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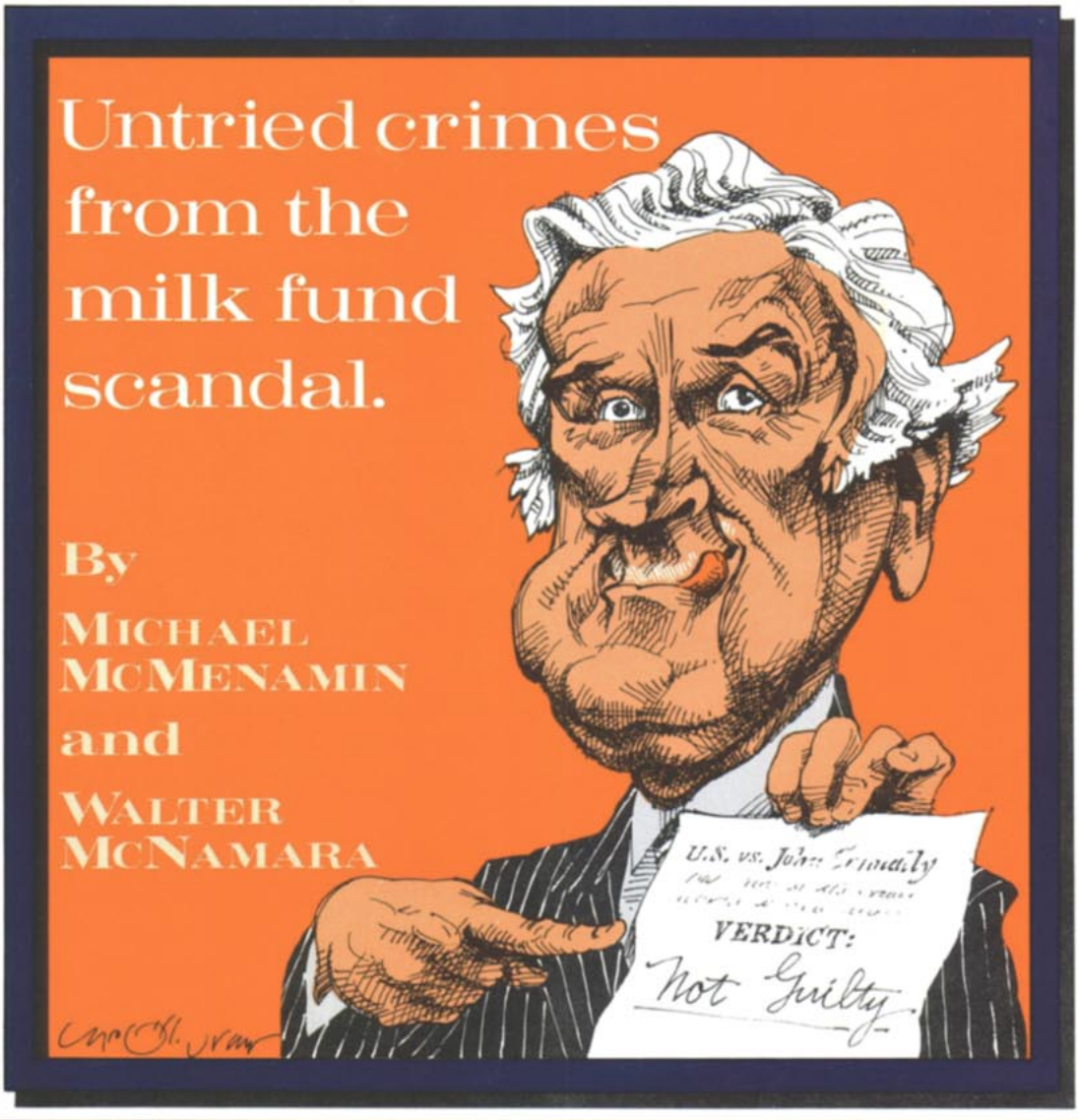
After Afghanistan—The Cold War Revs Up

Nat Hentoff: *Can a Novel Be Libelous?*

Indonesia's Brutal Politics of Starvation

How Connally Beat the Rap



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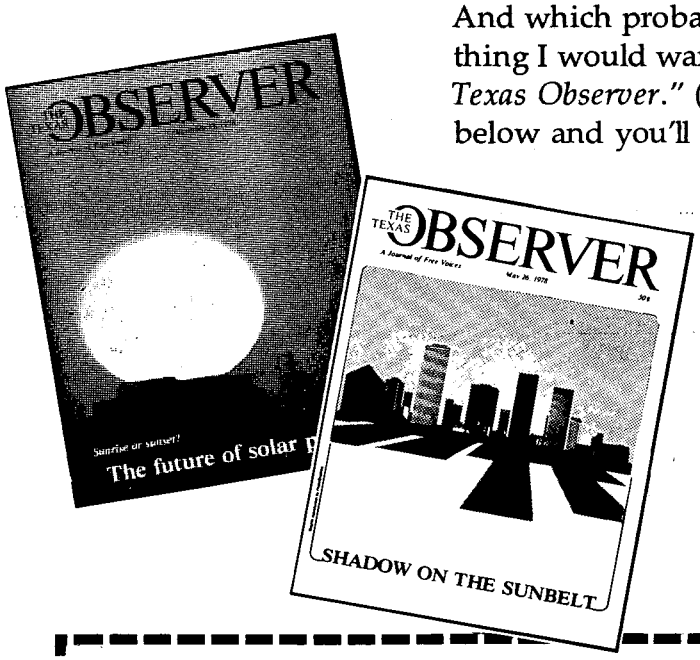

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FEBRUARY 18, 1980

How Connally Beat the Milk Fund Rap

MICHAEL MCMENAMIN & WALTER MCNAMARA **p. 11**

It's true that a jury acquitted John Connally on two charges related to the milk fund scandal. But the federal indictment of Connally included five more counts, far more damning.

The Politics of Starvation

ARNOLD S. KOHEN & ROBERTA A. QUANCE **p. 18**

On a tiny island in the East Indies the Indonesian government is starving 400,000 people to death—with the Carter administration's silent approval.

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Cold War reborn; Oh, Canada.

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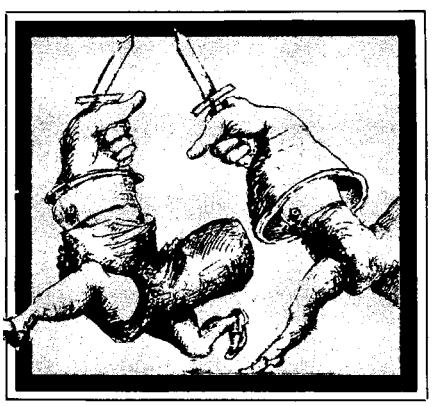
First Amendment Watch ..... **p. 6**

Fictionalizing the law of libel. Gwen Davis Mitchell's book *Touching* is a novel. But that didn't stop a California court from finding that it was false and defamatory—and awarding damages. (*NAT HENTOFF*)

Politics ..... **p. 8**

Dole waits but the lightning fizzles. Gerald Ford's 1976 hatchet man is after the big prize himself, this time around. But this candidate of subsidy and price support has yet to find a constituency. (*DOUG BANDOW*)



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Thomas Russell III on Baryshnikov and Balanchine.

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Stephen Harvey on *All That Jazz* and *1941*.

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A WORD FROM THE PUBLISHER

WITH ITS CHARACteristic graciousness and genial good humor, the *New Republic* recently referred to INQUIRY as "the best of the right wing rags." In this issue, continuing in our chosen careers as Pentagon-worshippers and flacks for the CIA, we present our views on the events in Afghanistan and the war dance that a large portion of the world is going through because of them. We invite the *New Republic* to turn our "left flank" on this one. Also dissected are two of the current, undistinguished crop of Republican presidential contenders. The lot of them brings to mind the old joke about the "average" Common Market European (who has the humility of a Frenchman, the frivolity of a German, the scope of a Luxembourger...): the honesty of John Connally, the statesmanship of Bob Dole, the depth of Ronald Reagan . . .

RR

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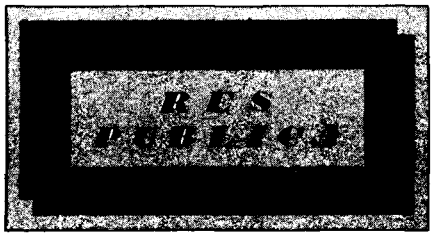

I could tell he was depressed when he walked in without his cattle prod

■ The friends of Frank Rizzo threw a goodby party for the outgoing Philadelphia mayor last week, and, according to several of those present, he simply wasn't the same old Frank.

Something was missing from the ex-police officer who still sometimes carries a nightstick when he has on a tuxedo, who once threatened to be so tough on his political enemies that he would "make Attila the Hun look like a faggot" and who could be so peace-loving that, as he put it on one occasion, "I got five doves flying outa my armpits."

"Frank's very depressed, very down," said W. Thatcher Longstreth, chairman of the Philadelphia Chamber of Commerce and one of those toasting Rizzo last week. "He was emperor of this town, and what does an emperor do when he retires."

—Los Angeles Times, Jan. 7, 1980

We turn boys into men

■ Apparently the Marines are looking for a few older men, too.

At least that's the impression David Crockett, 74, got when he received a letter recently from the Marine Corps asking him if he was ready to "make a tough choice" by signing up with the Marines.

Crockett, who retired in 1963 after running a variety store for 28 years, said he might be interested in joining the Marines if the assignment was right.

—Los Angeles Times, Dec. 26, 1979

There's such divinity doth hedge a king

■ Mayor Edward I. Koch has proposed a bill that would make simple assault of a public official, such as the egg-pelting he got last November, a felony.

"When you attack a city councilman, a mayor or a governor or any public official, you are attacking more than an individual. You are seeking to inhibit the operation of government," Mr. Koch said Wednesday as he explained why his proposal would provide stiffer penalties for assaulting an official than a similar attack on a private citizen.

—Buffalo Evening News, Jan. 3, 1980

Real cause of American Revolution unmasked

■ What is it, then, that makes homosexuals tend to sympathize with revolutionary causes and to find in espionage a congenial profession? No doubt, psychiatrists' case-books shed light on this, but just common sense suggests that the same gifts which make homosexuals often accomplished actors equip them for spying, which is a kind of acting, while their inevitable exclusion from the satisfaction of parenthood gives them a grudge against society, and therefore an instinctive sympathy with efforts to overthrow it.

—MALCOLM MUGGERIDGE, Time, Dec. 3, 1979

Malicious lies

■ A Polish Court gave brief jail sentences today to four dissidents who organized an unauthorized Independence Day celebration last month at which participants said Poland was not truly free.

—New York Times, Dec. 11, 1979

Each week they re-enact the flood

■ A group of academics from Kyoto University are working at the request of Iraqi officials on a project for partial restoration of the ancient city of Babylon with "reconstruction" of the famed Tower of Babel, according to a member of the Japanese team.

Yasuyoshi Okada, an expert at Kyoto University, said today that the long-considered project is in the planning stages and that the Iraqi Government intends to create a "museum city" as a tourist center on the Euphrates River about 55 miles south of Baghdad.

The Tower of Babel—a ziggurat, or temple tower in the form of a terraced pyramid—was nearly 300 feet high. Its architecture is not known in detail, but a copy would be constructed under the Japanese plan, Mr. Okada said.

—New York Times, Jan. 2, 1980

New Brunswick's child is full of grace

■ New Brunswick [New Jersey] officials passed up a baby for honors as the official baby for the city's 300th birthday because her parents were not married and the Tercentennial Committee did not consider them a "New Brunswick couple," it was learned.

Josefina Guzman was born 7:45 A.M. New Year's Day at Middlesex General Hospital. But the honors and a package of gifts went to a second child, who was born two hours later.

Van Dyke Pollitt, a committee spokesman, said: "The committee apparently felt that a baby born to unmarried parents from New Brunswick is not a New Brunswick child. We've presented much the same gifts to both children in the name of the Tercentennial Committee and that is all we have to say on the matter."

—New York Times, Jan. 9, 1980

Rough justice

■ The Florida Supreme Court Thursday removed "the bully judge" of Pensacola.

Florida's Judicial Qualifications Commission had recommended his dismissal after extensive testimony.

It denounced [Judge Joseph M.] Crowell for telling a grandmother she was a whore in front of her grandchild, for ordering a youth service worker fired, and for having a truck driver arrested for blocking his parking space.

Once he took issue with a law enforcement officer. "Take off your gun. Sit with the prisoners!" he cried.

Frequently he angrily ordered people to jail. One was a mother who came to court late carrying her 4-year-old child, a victim of cerebral palsy. He ordered a bailiff to take the child from his mother's arms and put it in a foster home.

—Miami Herald, Dec. 28, 1979

A little R & R

■ Soldiers slaughtered nearly 14,000 wild animals in Uganda—including thousands of hippopotamuses and scores of lions—in early 1979, International Wildlife magazine reports.

Karl Van Orsdol, a wildlife biologist from Palo Alto, Calif., wrote in the magazine that undisciplined Tanzanian troops, occupying Uganda as a "security" force after dictator Idi Amin's overthrow, used machine guns and even hand grenades to wipe out about one-third of all large mammals in Uganda's huge Ruwenzori Park.

—Miami Herald, Dec. 30, 1979

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Afghanistan and beyond

Cold War reborn

PRESIDENT CARTER HAS CALLED THE Soviet invasion of Afghanistan the gravest danger to world peace since World War II. Money is being poured into rearming Pakistan and into a new American "quick strike force" capable of intervening throughout the Third World. The United States is negotiating for new military bases on the Indian Ocean littoral. Defense Secretary Harold Brown is eager for military cooperation and parallel actions by China and the United States. The administration is preparing a new Carter Doctrine which will consciously mimic the Truman Doctrine.

According to most commentators all this is in reaction to Russia's thrust into Afghanistan. But the key question that suggests itself is how should we assess the motives behind Russia's decision to invade. Only by sensibly judging Soviet purposes can an appropriate response be framed. There are at least four views of Soviet intentions:

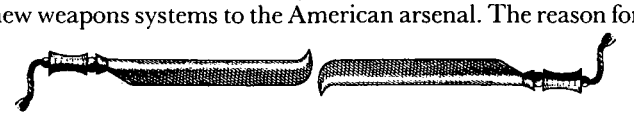
- The Russians fear Muslim anti-Soviet guerrilla success and Amin's independent Tito-type leftist regime in their backyard—in a country that had been within their sphere of influence since the mid-1950s and had allied itself with Russia since 1978.
- Russia is pursuing an age-old nationalist goal of seeking warm water ports and influence in the Persian Gulf—goals enunciated by both Peter the Great and the Stalin government in the Hitler-Stalin pact.
- Russia wants to control oil because—according to a widely-disputed CIA survey—it will soon need foreign oil, or because it wants to cripple the oil-dependent West, or both.
- Russia is on the march toward world communist empire.

It seems to us that the principle of parsimony requires that we stick with the first explanation unless new evidence emerges. It is the narrowest and most straightforward and is consistent with all the evidence. Furthermore, leading policymakers leaked word to James Reston that it was the administration's considered judgment that the first explanation was correct. Top people in the U.S. Navy have added that the invasion of Afghanistan poses no direct security threat to the United States.

Since the Russians apparently have only the limited goal of putting in power a puppet government in the small mountain country on their border—greedy, arrogant, and vile as this imperial aim is—why the tremendous fuss over the invasion? For nonaligned countries, it destroys the Cuban theory that Russia is the natural friend of the nonaligned—Afghanistan was formally a nonaligned country. For communist governments and parties that are independent of Moscow, it raises the threat that Russia is making a habit of interventions like the invasion of Czechoslovakia in 1968. In Muslim countries, there is resentment because the Russians are aiding the Karmal government in the civil war it is fighting with Muslim rebels.

But what about the United States? Here the Afghanistan crisis illuminates the direction that American foreign policy has taken of late. It symbolizes the revival of the Cold War, and together with the hostage crisis in Iran, is hailed as curing the American public of its "Vietnam syndrome." But the foreign policy moves made by the Carter administration in the wake of the invasion of Afghanistan are not justified by Soviet actions there. Instead they reflect the breakdown in American-Soviet relations that has been going on for some time.

The symptoms of this collapse include the decision of the NATO powers to expand their military budgets; U.S. failure to ratify the underground testing treaties with the Soviets; increased U.S. reliance on the "China card"; the anti-Soviet, but not anti-Chinese human rights campaign; and the transformation of the effort to ratify SALT II into an occasion to add new weapons systems to the American arsenal. The reason for these developments has been the relentless lobbying of American hawks—who have a global anti-Soviet strategic vision—and the comparative impotence of the doves, who cut budgets without eliminating military missions and who insult allies while continuing to depend on an alliance system. The doves are, thus far, unwilling to adopt nonintervention, strategic disengagement, and withdrawal from the alliance system as their goals. Until they do so, they will always be at the intellectual mercy of the hawks. For the hawks, Afghanistan is a replay of Czechoslovakia in 1948. The hawks know what to do—the same thing as last time: polarize the world, obtain a forward military presence wherever possible, and arm to the teeth. But they were wrong in 1948, and they are wrong now. As Raymond Aron writes in a thoughtful piece in the January 19 issue of *L'Express*: "The Kabul coup does not augur a generalized military offensive by the Soviet Union any more than the Prague coup augured the invasion of Western Europe by the tanks of the Red Army."



The Middle East, nonetheless, has become like the Balkans in 1914. Any number of possible developments now could lead to a military confrontation of the superpowers. The news media report grave concern among White House and national-security officials about the possibility of war—indeed, a nuclear war—with the Soviet Union. Yet American entry into such a war would not come, in the White House scenarios, from a Soviet attack on the United States, but from a threat to the strategic position that America has adopted. The serious possibility of nuclear catastrophe is thus the latest fruit of American involvement in the Middle East. The volatility of this region and the impossibility of maintaining the status quo there make American commitment to that status quo a recipe for disaster. Instead of getting more deeply involved via new bases and floating armadas and rapid deployment forces, the United States should end its destructive meddling in the Middle East and thereby help prevent World War III. ❑

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Oh, Canada

ON FEBRUARY 18, AS THE WINDS howl and the temperature hits its yearly low, the citizens of Canada will, for the second time in nine months, be voting for a new national government. This will be only the sixth winter election Canadians have had to face since Confederation, 113 years ago, and they are understandably upset. To have to trudge to the polls, one's breath turning to icicles, one's body aching from the extreme cold, as timber wolves bay at the moon through an eighteen-hour night, is an act of the highest civic virtue, and politicians should make such demands only in the most dire of emergencies.

In fact, the future of the Dominion might well hang in the balance as voters determine who will be their prime minister for the next few years. The choices are the same as those confronting Canadians nine months earlier: Joe Clark, the insipid and somewhat slow-witted leader of the Progressive-Conservatives, whose government fell from office in December; Ed Broadbent, ambitious head of the New Democrats, Canada's social-democratic labor party; and none other than Pierre Elliott Trudeau, the intellectual, man-about-

town, egocentric, and now "interim" leader of the Liberal party.

The outcome this month will depend primarily on what Canadians think of Clark's budget, the issue that brought down the Conservative government in December. It offered a few goodies, such as an energy tax credit to offset higher oil prices and tax deferrals on capital gains. But it was mainly an effort to deal head-on with two pressing problems: bringing domestic oil prices more in line with world prices, and reducing the federal government's staggering deficits. The budget called for boosts in domestic crude oil prices ($4.00 a barrel this year, then $4.50 a barrel each year until the domestic price reaches world levels) and an 18 cents-a-gallon tax on gasoline at the pump, together with increased taxes on tobacco, alcohol, cosmetics, and a "temporary" federal surtax of 5 percent on corporations. Now higher taxes are rarely a rallying point for politicians hoping to get elected and, indeed, the polls suggest that the Clark government has only the slimmest of chances of being returned to office.

The alternative to a Conservative reelection, unfortunately, is significantly worse. The New Democrats have been able to offer no more than the usual stale social-democratic platitudes and, in any case, are unlikely to do any better at the polls this month than they did last May when they won only 10 percent of the seats. The most likely victor in the forthcoming election will be Pierre Trudeau. It was Trudeau and the Trudeau loyalists in the Liberal party caucus who engineered the drive to round up Liberal MPs for the crucial budget vote that brought down the Clark government. And, after the vote, it was Trudeau and his cronies who orchestrated a party "draft" that will probably, once again, make Trudeau Canada's prime minister, despite his earlier announcement that he intended to resign the Liberal leadership next month.

Can Canada survive another Trudeau term? When Trudeau originally took office in 1968, in the wake of "Trudeaumania," Canada was a thriving nation with a manageable inflation rate of 4 percent, a strong economy, and a benign and fairly unobtrusive federal government. Most important, most Canadians felt that they were living in a civilized country. They felt secure from the violence and internal dissension that beset their southern neighbor. In 1967, moreover, Canada opened its doors to Americans fleeing impressment. Compared to the situation a decade later, Canada was a tolerant and prosperous country.

In his ten years in office, Trudeau changed all this. The inflation rate, which was 2.8 percent in 1971, reached 11 percent three years later and has not dropped below 9 percent; the unemployment rate, hovering between 4 and 5 percent a decade earlier, stood at more than 8 percent when the Clark government took office; the federal budget increased by almost 440 percent during Trudeau's tenure; and the federal deficit, in successive Liberal budgets, has grown from $600 million to almost $12 billion. Canadians have seen their savings destroyed by rampant inflation and their currency depreciate at a breathtaking pace. Even against the American dollar, itself battered mercilessly in the world money markets during the last few years, the Canadian dollar has done abysmally, dropping from 101 cents (U.S.) in 1974 to slightly more than 85 cents today.

But these figures do not tell the whole story. In an unprecedented move, Trudeau virtually abrogated the civil liberties of Canadians in October 1970 when he declared a state of "apprehended insurrection" under the War Measures Act, after the kidnapping of a British diplomat and a provincial cabinet minister in Quebec. Large numbers of Canadians, mostly from Quebec, were rounded up without reason, and political dissent was stifled throughout the country. If any single act during the decade gave impetus to the election of Quebec's independence party in November 1976, it was what Trudeau did in 1970.

Additionally, a drive to "Canadianize" what was regarded as a foreign-dominated culture led to massive government meddling, via subsidies and restrictions on outside competition, in the arts and the media. Trudeau also instituted new policies restricting "foreign" (read "American") immigration and investment in the country, thus denying Canada much-needed inflows of capital and skilled manpower.

Most destructive was Trudeau's imposition of strict wage and price controls in 1975, after an election campaign that explicitly repudiated controls as a means to check inflation. During the three years controls were in effect, Canada's central bank continued to print money at an accelerating rate and the federal government's deficit increased almost sixfold. Wage and price controls served no purpose other than to strangle business and to deny workers any chance of catching up with the inflation the government itself was causing.

What, then, will become of Canada? It was difficult enough, starting from a fairly prosperous base, to survive ten years of Trudeau's leadership. Given the current situation—massive federal expenditures and spending deficits, high inflation, a weakened Canadian dollar, federal oil price controls that allow gasoline in Alberta to sell at the pump for 61 cents per gallon (U.S.), and the country in political turmoil over the possible secession of Quebec—things look bleak for the future of the country. And this time, Trudeaumania will have returned with a vengeance.

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LETTERS

Apartheid economics

RALPH HORWITZ'S OPTIMISTIC assessment of the recent "reforms" in South Africa ["The Roots of Apartheid," Nov. 26, 1979] is based on a total misapprehension of the fundamental nature of apartheid. Contrary to Horwitz's claim, "The physical and social containment of South Africa's black peoples" is *not* the "raison d'être" of the apartheid system. Apartheid is first and foremost an *economic* system—conceived in law and enforced by a highly sophisticated military/police state. It deprives 74 percent of the nation's people of the right to own land and conduct business throughout most of the country. It confines them to 13 percent of South Africa's territory, where, unable to support themselves, they become a vast reservoir of cheap, powerless labor, at the complete disposal of South Africa's white economy.

There is absolutely no evidence to support Horwitz's claim that apartheid and economic growth are inconsistent, or that "economic realities demand . . . [a] unitary state of nonracial, universally enfranchised citizenship." During the past decade, South Africa has experienced one of the largest economic booms in the world, while political repression has increased, black unemployment has skyrocketed, and the gap between black and white wages has grown in leaps and bounds.

Apartheid is not self-destructing. It is merely undergoing a slight "modernization." Not long after Prime Minister Botha announced the new trade union "reforms"—intended to bring militant black unions under strict government control—he warned the leaders of South Africa's mixed-race community that "one-man, one-vote is out in this country. That is, never." (*New York Times*, Nov. 11, 1979).

There is no cause for rejoicing in South Africa. Apartheid is not dying. It is merely becoming more deceptive.

ELIZABETH SCHMIDT
Institute for Policy Studies
Washington, D.C.

RALPH HORWITZ'S ARTICLE ON South Africa presented an excellent overview of South African history; however, we disagree with his optimistic view of the effect that foreign investment in South Africa is likely to have. "The normal course of commerce" has only served to strengthen the economic foundation of South Africa's racist system. The value of direct U.S. investment in South Africa has tripled in the last decade to more than $2 billion today. The loan involvement of U.S. banks has risen even faster, from $500 million in 1966 to over $2.3 billion. A Senate Foreign Relations subcommittee concluded that "The net effect of American investment has been to strengthen the economic and military self-sufficiency of South Africa's apartheid regime."

RON FREUND
NORMAN WATKINS
Clergy and Laity Concerned
Chicago, Ill.

RALPH HORWITZ replies:

The historical evidence is, I would argue, persuasive that entrepreneurial capitalism in South Africa has operated against, and not in support of the institutionalized culture of Afrikanerdom—a culture whose proponents have aimed at nothing less than a totalitarian grip on South Africa.

I do not claim that South Africa's businessmen have all been champions of human rights. But it is certainly true that businesses outside the Chamber of Mines have always had a self-interest in freedom for the nonwhites as producers and consumers. On the other hand, ever since the 1922 Rand strike by white trade unionists, the Chamber of Mines has been in alliance with Afrikaner politicians to guarantee the mines monopsonistic control of migratory tribal workers. The notable, though not sole, exception has been the mining-financial house of Oppenheimer, whose genuine liberalism cannot be denied.

In South Africa, Prime Minister Botha recently announced the ending of job reservation under Clause 77 of the notorious industrial legislation. This is not "a change of heart" about apartheid; instead it reflects the greater need for skilled black labor to complement the massive capital investment of recent years. Both South Africa's white power structure and its institutionalized culture will resist with everything at their command the liberalizing changes coming from economic growth, which in turn come from increased capital investment. But apartheid's guardians face an impossible task.

With the price of gold now in excess of $500 an ounce, it is highly improbable that apartheid can last another decade. But no one can predict with assurance whether it will fall apart nonviolently from marketplace pressures or violently in the course of an international war in Southern Africa.

An apple for the teacher

TO PLACE SOLE BLAME FOR an increasingly uneducated populace on publicly run and financed school systems ["Schools as scandals," Dec. 24, 1979] overlooks the complexities of our society and is, at best, simplistic. Such a view ignores the outstanding education provided to many in public schools during the past century. Further, it does nothing to raise the question of the purpose of an education—academic or vocational.

Would the Andovers of this country have such outstanding reputations were they responsible for providing an education to all those for whom the public schools are now responsible? The state is far from perfect in the handling of education. However, to suggest that it should leave the task of education to elite private schools, which exist to and only have experience at educating a small fraction of certain children of this country, makes about as much sense as suggesting that teaspoons, instead of shovels, should be given to ditchdiggers because the work soils their clothes and blisters their hands.

The acute problem of public education deserves better than the kneejerk criticism leveled at it in your editorial.

ROSS CONNELLY
Indianapolis, Ind.

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FIRST AMENDMENT WATCH

NAT HENTOFF

Fictionalizing the law of libel

"FICTION IS ALL THE BETter," Cervantes once pointed out, "the more it looks like truth." And indeed, many novelists have shaped characters, to greater or lesser degree, on impressions and composites of quite real people. Proust, for instance, did not wholly invent the leading figures in *Remembrance of Things Past*. In Hemingway's *The Sun Also Rises*, Robert Cohn is partially based on the real-life Harold Loeb. And there is nary a doubt that the Citizen Kane of the screenplay by Herman Mankiewicz and Orson Welles had more than a fleeting resemblance to William Randolph Hearst. Similarly, the venerable novelist Edward Driffield in Somerset Maugham's *Cakes and Ale* is close kin to Thomas Hardy.

In most such cases, and certainly in works of fiction that have lasted, the play of the writer's imagination has transformed the actual personages and events so that the renderings are not literal. That, after all, is the very nature of fiction. Because of the surprising outcome of a recent lawsuit, however, this way of writing fiction may be in considerable peril in the United States. A California court assessed a sizable libel judgment against an author and her publisher for having defamed a psychologist in a novel. And on December 3, 1979, the United States Supreme Court refused to review the case, although three justices (Brennan, Stewart, and Marshall) went on record as favoring a hearing.

It could have been worse. Had the High Court granted a review and issued an opinion upholding damages for libel via fiction, that would be the rule of the land. Since this was no more than the denial of an appeal, however, the decision has no impact beyond California. Nonetheless, book publishers fear that courts in other jurisdictions will be influenced by the result of the case—and by the Supreme Court's failure to use the First Amendment to smite the lower court verdict. A corollary dread is that in this litigious nation, there will now be more suits charging defamation-by-fiction.

Several lawyers for large publishers have urged me not to publicize the case because "the more people who hear about it, the more libel suits there'll be. It'll be a self-fulfilling prophecy. If we cry doom, we'll get doom." Yet Townsend Hoopes, president of the Association of American Publishers, has not been able to restrain himself: "I think it's one of the most destructive and wrong-headed decisions that any court has made in the area of First Amendment rights." He's right, so why pretend it never happened?

AT ISSUE IS A NOVEL, *Touching*, by Gwen Davis Mitchell, published by Doubleday in 1971, with paperback rights licensed to New American Library in August, 1979. In the late 1960s, Mitchell, a widely published author, became interested in new frontiers of encounter-group therapy, particularly the "nude marathon"—a process by which self-actualization is presumably accelerated by interacting, naked, in a group led by a "therapist." At the time, there were a dozen or more specialists in these clothesless encounters in the region, and Mitchell attended a "nude marathon" conducted by one of them, psychologist Paul Bindrim.

Like all the other participants, Mitchell had to sign a contract with Bindrim agreeing that she would not write any articles or "in any manner disclose" what transpired at the session. Should she break the contract, she would be liable for damages. However, no citizen can contractually sign away his or her free speech rights in this kind of context. Even the California court of appeal handling this case agreed that no matter what she signed, Mitchell "was free to report what went on." She was, however, subject to penalties if her report was defamatory.

But Mitchell claimed that she simply used her impressions of the session she attended as one of many ingredients for her fictive work. For many novelists, this is standard procedure. For instance, I am currently writing a novel that involves a series of murders in New York City. The murders are entirely fictitious, but I have spent many hours with real homicide detectives and my descriptions of how and where detectives work will be based in part on what I saw. If one of those actual detectives picks up the novel and believes he has been defamed by my portrayal of an imaginary detective, now he may be encouraged to sue.

Mitchell assured her publisher at several stages that no one in *Touching* resembled any living person. Or any real corpse, for that matter. In her novel, for instance, the quasi-guru in charge of the nude marathon, Simon Herford, was a "fat Santa Claus type with long white hair, white sideburns, a cherubic rosy face and rosy forearms." The real-life Paul Bindrim is clean-shaven, nearly bald, and considerably younger than Herford. Yet Bindrim's lawyer wrote to Doubleday in 1971 demanding that all production and distribution of the book be stopped immediately because Bindrim and his profession had been defamed. He gave no specifics as to that defamation. The lawyer also wrote Gwen Davis Mitchell complaining that in her appearances on television and elsewhere, she had been stating that nude encounter workshops were harmful. This, however, was simply her opinion, and the First Amendment protects opinions. But the lawyer added that "it is unmistakable that the 'Simon Herford' mentioned in your book refers to my client."

The court acted as if Mitchell's book were not a novel at all, but a work of fact.

Doubleday again sought and received assurance from Mitchell that the book *was* fiction, and did no further investi-

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gating. How can you investigate the "facts" in a book of fiction?

*BINDRIM SUED FOR LI-*bel, and the California Court of Appeal, in a decision that was in effect upheld by the state supreme court's refusal to review it, acted as if this were not a novel at all but a work of fact. Since Paul Bindrim was judged to be a public figure, he had to prove "actual malice" on the part of the author and the publisher. That is, he had to show that they knew the work was false or went ahead and published in reckless disregard of whether it was true or false.

Bindrim came to court with a transcript of one of his actual encounter sessions—similar in form to one in the novel. Contrasting the two, the court found that "some of the incidents portrayed by Mitchell are false: i.e., substantially inaccurate descriptions of what actually happened." Of course they were. She was writing *fiction.* But, the court declared, she had *knowingly* written falsely about Bindrim.

The court went on to make a whopping mistake, which should have been reason enough for a Supreme Court review. It stated that an action for defamation can be started if the work is published to "only one person other than the person defamed." That's correct, but then the court interpreted this to mean that if only one person reading the book identified Simon Herford as Paul Bindrim, that was significant proof of defamation.

As the lone dissenter, Presiding Justice Gordon Files noted with asperity that although publication to only one person may establish a claim to defamation, this "has no bearing on the principle that the allegedly libelous effect of a publication to the public *generally* is to be tested by the impression made on the average reader." (Emphasis added.)

This was a vital point. Of the thousands who read the novel, there was no proof that any—except for three people—knew who the real Paul Bindrim was, let alone identified him with the fictive Simon Herford. As Files pointed out, "only three witnesses, other than plaintiff himself, testified that they 'recognized' plaintiff as the fictitious Dr. Herford. All three of those witnesses had participated in or observed one of the plaintiff's nude marathons." These three were "insiders," not "the average reader." And even they could list no characteristics of Herford that were similar to those of the real-life Bindrim. They just testified that their "recognition" consisted of realizing that both Herford and Bindrim practiced the same kind of therapy.

What this amounts to, said the dissenting judge, is that the novelist and the publisher were being punished on the basis of Bindrim's basic contention: "Whoever attacks nude encounter therapy wounds me." They had "defamed" a profession, not a person, and that in fictive form yet.

But what was the specific defamation? Said Justice Files: "The only arguably defamatory matter I can find in the complaint is in the passages which portray the fictional therapist using coarse, vulgar and insulting language in addressing his patients." A fictional therapist can use any kind of language he wants; and if Bindrim offered evidence, as he did, that he never used such language in real life, that's all the more proof that Mitchell was not writing about him. The judge and jury thought otherwise.

As for the charge that Mitchell had defamed Bindrim's profession of nude encountering, Files emphasized that "Criticism of an institution, profession or technique is protected by the First Amendment; and such criticism may not be suppressed merely because it may reflect adversely upon someone who cherishes the institution or part of it." Furthermore, "plaintiff has no monopoly upon the encounter therapy which he calls 'nude marathon.' Witnesses testified without contradiction that other professionals use something of this kind. There does not appear to be any reason why anyone could not conduct a 'marathon' using the style if not the full substance of plaintiff's practices."

NONETHELESS, BY A 2 TO 1 majority the court of appeal found that both the author and publisher had libeled Bindrim; the publisher because it had not "investigated" further when Bindrim's lawyer sent a letter of complaint. Again, investigated what? This was not a fact book. As noted in Doubleday's unsuccessful appeal to the Supreme Court, this penalty for insufficient investigation of a work of fiction "has created an intolerable situation." One vague letter from a lawyer to a publisher claiming that a fictive character resembles his client "can have the effect of a completely unprecedented court-ordered injunction stopping the presses and preventing further dissemination of an already published fictional work pending completion of a full investigation into unsubstantiated claims of defamation."

Or, putting it another, balder way, a crank or an enemy of the author or a genuinely befuddled dream-reader may now be able to stop a book, at least for a time, without even having to go to court.

And a deterrent to ignoring such letters is the award in this case to the man who did go to court—$25,000 from Gwen Davis Mitchell and $50,000 from Doubleday. Half the latter sum was for punitive damages.

Authors and publishers may be scared into self-censorship as a result of this case.

Other possible consequences of *Mitchell and Doubleday* v. *Paul Bindrim* is a certain amount of self-censorship by both authors and publishers. In her own petition to the Supreme Court, Mitchell said: "If this decision is allowed to stand, it will chill literature and the dramatic arts. . . . Contemporary fiction might disappear, leaving us with historical novels and science fiction." That prediction may be somewhat hyperbolic, but there may well be considerable thinning of the content of "realistic" fiction.

Also, although the decision is, as of now, limited to California, publishers and authors everywhere else take a risk in having one of their books cross that state line. Or, as the Doubleday appeal to the Supreme Court put it: "This Court cannot allow one state to impose such a standard because the clear result thereof would be a requirement that all publishers be governed by California's 'lowest common denominator,' which, in turn, would have a deleterious impact on the dissemination of ideas in interstate commerce."

But, as the refusal to review has again indicated, no one can tell the High Court what it "cannot" do.

THE COURT'S DAMAGING silence in this case, and its continued encouragement of libel suits in other contexts ("Libel Law: New Thorns in the Thicket," Sept. 10, 1979) ought to create more adherents for the Black-Douglas view that there should be no libel law at all, certainly not when

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public issues are concerned. As with obscenity, these attempts to find a coherent constitutional line between protected and unprotected speech inexorably lead to absurdity. As in the notion that a writer of *fiction* can be punished for "actual malice" because she created untrue "facts."

In 1974 (*Cantrell* v. *Forest City Publishing Co.*), Mr. Justice Douglas said: "The press will be 'free' in the First Amendment sense when the judge-made qualifications of that freedom are withdrawn and the substance of the First Amendment restored to what I believe was the purpose of its enactment."

And the principal framer of that amendment, James Madison, also had an aversion to "judge-made" qualifications concerning liberty of the press:

"That this liberty is often carried to excess; that it has sometimes degenerated into licentiousness, is seen and lamented, *but the remedy has not yet been discovered.* Perhaps it is an evil inseparable from the good with which it is allied; perhaps it is a shoot which cannot be stripped from the stalk without wounding vitally the plant from which it is torn. However desirable those measures might be which might correct without enslaving the press, they have never yet been devised in America."

Nor have they been to this day.

Back before Madison, the British theorists of a free press, John Trenchard and Thomas Gordon (who wrote under the name of Cato and greatly influenced libertarian colonists) said of libel itself:

"As long as there are such Things as Printing and Writing, there will be Libels: It is an Evil arising out of a much greater Good. And as to those who are locking up the Press, because it produces Monsters, they ought to consider that so do the Sun and the Nile; and that is something for the World to bear some particular Inconveniences arising from the general Blessings, than to be wholly deprived of Fire and Water."

In the aftermath of the fictionalizing of libel—with no succor from the Supreme Court—it is worth considering which is the more evil Monster: Gwen Davis Mitchell's novel, *Touching,* or the judge-made qualification in this case that more clearly and more extensively than ever before makes works of the imagination subject to shriveling sanctions by the state.

Whatever risks we might run by the abolition of the law of libel are worth the increasingly high costs of exercising free speech under the lengthening shadow of the law of libel.

POLITICS

DOUG BANDOW

Dole waits but the lightning fizzles

NOT SINCE ALFRED M. Landon lost to Franklin Delano Roosevelt in 1936 has a Kansan been a major party's presidential candidate. But forty-four years later, Senator Robert Dole, the Republican vice-presidential nominee in 1976 and Kansas' leading politician, is attempting to turn a career of Republican partisanship and zealous support for farmers, ethnics, and the military into a winning Republican majority.

However, after nearly a year of campaigning, all Dole is harvesting are a decline in his rating and a withering organization. John Connally may be the corporation candidate and George Bush the resumé candidate, but Dole, who admitted in an unguarded moment last year that he was "just out here waiting for lightning to strike," is the drought candidate.

Not that Dole's ambition and career have often failed to grow. Twice wounded and decorated in World War II, he was elected to the Kansas House of Representatives in 1951 when he was twenty-eight. After serving one term as a state legislator, Dole was four times elected as Russell County attorney before successfully running for Congress from Kansas' First District.

In 1968, Dole managed to parlay his undistinguished eight-year House career into a U.S. Senate seat. He emerged from the typical obscurity of most midwestern Republicans through his vigorous—and unexpected—support of Nixon administration programs such as the ABM system and SST funding, as well as the Supreme Court nominations of Clement Haynsworth and Harrold Carswell, issues on which few Senate Republicans were not prepared to abandon the President. This led Nixon to choose Dole to be Republican National Committee (RNC) chairman in 1971. In his two years in that post Dole served his President and party well, developing a dogmatic partisanship and faithfully deflecting all criticism of Nixon and Watergate.

But he left the RNC chairmanship in 1973 with his political career in jeopardy, and it looked for a while as if he might lose his Senate seat to Democratic Representative Bill Roy. Kansans who thought they'd elected a Kansas spokesman found instead a Republican party hack and an acid-tongued defender of a disgraced President. Dole's efforts to joke off his "Nixon connection" failed; only after going on the offensive, attacking the Democrats for smearing him on Watergate and Roy—an obstetrician—for performing abortions, did Dole eke out an underwhelming 51 percent victory in his 1974 reelection bid.

Dole's career miraculously moved from near collapse to national visibility in two years. As the 1976 presidential election approached, Dole quickly endorsed and campaigned for his former House colleague President Gerald Ford.

Dole first envisioned himself as a possible Reagan running mate, a moderate-conservative Ford supporter on a "West-Midwest" ticket. But after Reagan's preconvention selection of Richard Schweicker as his vice-presidential nominee, Dole looked toward Ford, lobbying southern Republican state chairmen and soliciting Reagan's backing through Reagan aide Lyn Nofziger.

Playing the hatchet man in 1976, Dole hurt his own party more than he did the Democrats.

When Dole was ultimately chosen as Ford's running mate his major assets were his acceptability to the Reagan forces, his strength in farm and rural areas, and his acid wit, which had already proven so effective against his Democratic opponents. Assigned the brunt of campaign duty in September and October, as part of Ford's White

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House "Rose Garden" strategy, Dole was left, according to Nofziger, as "an unguided missile." His campaign floundered—disorganized and unfocused.

Dole's organization soon improved, but his effectiveness as a campaigner did not. Given the role of hatchet man, Dole launched a series of bitter partisan attacks on the Democrats that culminated in his reference to the four "Democrat wars" of this century. His "acid wit" began to do more damage to Republicans than to the opposition and his campaign was further marred by allegations that he received illegal campaign contributions from Gulf Oil Corporation in 1970. Dole denied the charges and unsuccessfully attempted to shift the focus of the debate to Carter's tax returns. As the campaign ended, Dole's cyclical career was again falling: Many observers held him primarily responsible for the Republicans' loss.

*DOLE'S NATIONAL POLITI*cal efforts to date have been based upon an image of doctrinaire conservatism, an image that Dole has never sought to discourage. But conservatives show little interest in Dole: A recent poll of readers of *Conservative Digest* found only 9 percent enthusiastic about Dole, 70 percent lukewarm, and 21 percent disliking him. Their unease is not surprising, since beneath Dole's rhetoric in support of less government, free enterprise, and fiscal responsibility lies his support for programs that have greatly expanded federal spending and government power.

For example, Dole has declared that it is time to halt "the spiraling inflation and pervasive economic malaise which have been the result of recurring federal deficits"; he has worked to require a balanced federal budget, limit the permissible level of federal spending, index income taxes, and reduce business and estate taxes. Yet it was Dole's support for the SST that helped endear him to President Nixon. And in 1979, he voted to bail out the Chrysler Corporation.

Dole also supported the CETA public employment program, introduced legislation to eliminate the spending cap on the Food Stamp program, voted for federal loan guarantees for New York City, and introduced legislation to increase Title XX funding for various state "social services" under social security.

Nor does his fear of overspending extend to the military. Dole voted for the Nixon ABM program, B-1 bomber funding, neutron-bomb development, and against defense funding cutbacks. He also opposed any troop withdrawal from Korea and termination of the Taiwan mutual defense treaty.

In fact, Dole's concern for defense spending is so great that he attacked the Democratic party in 1976 for this century's four "Democrat wars," explaining later on Issues and Answers:

> The point on the Democratic Wars . . . was to point up the need for a strong defense. . . . We were suggesting that when candidate Carter was saying he would cut the defense budget $7 billion to $15 billion, that we should address that. We want to go back and remind the American people what happened over the years when our defenses were down.

Dole consistently praises the American medical system for leading "the world in medical research and health technology," and has opposed a federal cost-containment program and "the vast bureaucracy" necessary for a "costly national health insurance program." But Dole has simultaneously contended that "government can ease the cost and availability problems in health care" by implementing his multi-billion dollar catastrophic health insurance proposal. In fact, catastrophic health insurance is available at reasonable cost from private carriers. Moreover, the Dole plan could be readily converted into a comprehensive government health plan simply by lowering the deductible and extending the coverage, and political pressure to do so would be enormous—as Dole is certainly aware.

Similarly, Dole admits that our energy shortages are "government-induced," and that the development of alternative fuels requires the removal of government "roadblocks and delays." However, Dole's solution to the energy crisis is not to eliminate government interference, but to have government "work efficiently and in tandem with private industry." Dole's program of "efficient" government intervention includes creating a federal blue ribbon National Energy Council "to restore credibility to energy data and forecasting"—credibility presumably lacking in the Department of Energy. The Dole program also includes up to $2 billion in taxpayer support of the Clinch River nuclear breeder reactor, and federal tax credits and loan guarantees for ethanol alcohol manufacturers.

Also on the energy front, Dole would designate the Department of Agriculture as the "lead federal agency for the development and production of alternative fuels" from farm and forest products, create a hodgepodge of energy boards and centers, and provide more than a billion dollars in loans and loan guarantees. According to Dole, this "comprehensive measure" would "bring rational management" to—and thus direction and control over—the development of these fuels.

Dole has pandered to every whim of farmers and ranchers, regardless of the costs.

Finally, despite Dole's professed recognition that the energy crisis results from a lack of "enough production," and his initial opposition to the Carter windfall profits tax proposal because it was not "properly structured [to] encourage new supplies," he voted for the final version, which could cost the United States up to 1.5 million barrels of oil production a day.

Dole even joined the energy demagogues in declaring that if the energy producers attempted to "rip off" the American consumer (oil companies made less per sales dollar than the average manufacturing company in 1979), such a tax was appropriate. He also suggested increasing the Carter tax rate, so long as there was an energy investment exemption.

And what of the government's tax windfall? Dole argues that "if the oil companies do not expand production the government should direct the money to energy development. . . ." Thus, the government raises taxes to create new programs to solve the crisis that Dole admits the government created: This is Dole's idea of government "efficiently" working "in tandem" with the private sector.

But it is agriculture upon which virtually all other issues—not only energy, but also food stamps and transportation, among others—revolve, and upon which Dole has built his career by pandering to every whim of farmers and ranchers, regardless of cost. And it is agriculture that best exemplifies Dole's

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conception of a "free-enterprise system that is truly free." Dole readily concedes his support for "an agricultural policy which is responsive to the needs of the farmer," and his encouragement of "a certain degree of federal assistance for specific agricultural problems."

Dole's "certain degree" of government intervention has as its centerpiece legislation to raise target prices for wheat, feed grains, and cotton; provide for high levels of milk and sugar price supports; remove the appropriation ceiling on the Food Stamp program; set minimum overseas food shipments under the Food for Peace program; and create a National Agricultural Production Cost and Statistical Standards Board.

*ADDITIONALLY, DOLE BE-*lieves that "we must fight for equitable treatment" in traditional export markets and open up new export markets at taxpayer expense. For example, he has proposed expanding the federal Food for Peace program, granting federal credit to finance foreign commercial food sales, and establishing federal agricultural trade offices overseas. However, Dole's sense of equitable treatment for exports does not extend to imports. He supports rigorous sugar and meat import quotas, which would raise domestic prices. He argues that it is, of course, "absolutely essential that cattlemen be afforded this protection."

Dole intends this massive federal manipulation of agriculture to give "particular consideration . . . to the maintenance of the delicate mix between government participation in a free market society and the desperate need for federal assistance to preserve one of the country's most traditional institutions—the family-owned farm."

But Dole's romantic conception of the family farm is illusory; a 1974 Iowa State University study found that with a system of larger farms, farm income is higher and prices are slightly lower. Moreover, according to economist Robert Spaulding:

> The small farms have been largely replaced by the bigger, more specialized family farm which is able to harness today's modern farm technology and realize economies of scale. . . . Many Americans . . . may lament the passing of the small farm. But the trend toward larger scale and greater technical sophistication is as inevitable as it is desirable, for it has resulted in huge productivity gains within the farm sector. . . . The family farm is neither dead nor dying, but it is evolving into a more modern and affluent version.

Current farm programs, even without Dole's proposals, cost taxpayers roughly $10 billion a year, and consumers an additional $4.5 billion. But Dole's image of fiscal frugality and free enterprise nevertheless persists—an image that agriculture's "kept" senator hopes to maintain while pursuing the presidency.

However, Dole's presidential aspirations face several obstacles: His Senate seat will be open in 1980, and he must plan to concentrate on that if he does not "fare well" in the early primaries. Though he would probably be favored in seeking reelection, he did almost lose in 1974, and in 1976 the Ford-Dole ticket received only 54 percent of the vote in Kansas.

This possible state race has forced Dole to devote more attention to his duties in the Senate, which cuts into his campaign time. He is also being urged by his constituents to concentrate on the Senate; in early December, the *Topeka Capital-Journal* editorially urged Dole to abandon his quest for the White House.

Dole's second problem is how to focus his presidential campaign. He is attempting to "moderate" his image while building a nonideological coalition of farmers, ethnics, and veterans. But his move to the center has lost the conservative activists who control the party and who favor Reagan, Crane, or Connally over Dole. Nor has he converted many moderate or liberal voters, who remember him as having been the right-wing hatchet man in 1976.

Another difficulty is that his approach is primarily organizational, concentrating on Iowa, New Hampshire, and Florida. His campaign thus started out far behind those of Bush, Reagan, and Connally, and underwent five major changes in command in 1979. His first manager defected to the Reagan campaign; others were fired for poor fundraising and organizational work. Most recently, in December, eight of ten New Hampshire staffers and the national campaign manager and press secretary resigned. Dole says the walkouts "have not changed anything"—which *Newsweek* noted were "hardly encouraging words from a candidate who was so far behind to begin with."

Finally, the perception of Dole as a partisan hatchet man has forced him to spend much of his organizational time attempting to erase that image; the results have been negligible. The June 1979 *New York Times* national poll found Dole with a net negative rating, 17 to 23 percent; so did the September 1979 *Boston Globe* New Hampshire poll, 32 to 42 percent; and the latest Field California poll, 34 to 36 percent.

As a result, Dole's presidential bid, despite nearly a year of campaigning, is a shambles. Though Dole is well known—he ranks fourth after Ford, Reagan, and Connally with 60 percent name-identification among Republicans—the Gallup and Harris polls found his nationwide support fluctuating between 1 percent and 4 percent in 1979. Nor has Dole achieved much greater success in the states on which he's concentrated. At the November 1979 Florida convention, Dole received nine votes—0.6 percent of the total. In New Hampshire, the *Boston Globe* poll found his support barely edging up.

Dole, the man "waiting for lightning to strike," is again seeking national office. But he is finding that his expertise in building programs for farmers is not enough. For Dole does not offer a conservatism more unsullied than that of Crane or Reagan, a liberalism more pure than that of John Anderson, or leadership more grandiose than that of John Connally. He possesses few of the kind of Republican party favors owed George Bush, and has none of the legislative craftsmanship and ability to compromise of Howard Baker.

Rather, Robert Dole offers the Republican party subservience to agricultural interests, a flawed legislative record, and a disastrous 1976 vice-presidential campaign. If lightning does strike Dole, it is not likely to make him president. ❑

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How Connally Beat the Milk Fund Rap

John Connally likes to brag that he's the only presidential candidate who's been certified honest by a jury.

But there was a lot more to the case against Big John than met the jurors' eyes.

By
MICHAEL MCMENAMIN
and
WALTER MCNAMARA

IT'S A QUESTION JOHN CONNALLY HAS come to expect, and he answers it snappily but without rancor. "Hell, the jury acquitted me," Connally says in his booming voice. "I am the only certified, nonguilty political figure, and we'll go from there." End of discussion, in most cases.

Connally is, of course, referring to his 1975 trial for accepting an illegal gratuity in exchange for an official act. The "gratuity" was $10,000; the official act was counseling President Nixon to raise milk price supports. The federal jury *did* acquit Connally, and today he is a candidate for the Republican nomination for president. There are those who believe he'll win.

And is it so simple? Does the jury's verdict mean that John Connally is indeed the only certified honest man running for president? The jury's foreman, Dennis O'Toole, said after the trial that the jurors had said no such thing: "Our verdict meant not that we had found necessarily that John Connally was innocent, but rather not guilty based on the case presented to us."

The jurors did not hear the entire case against John Connally. They listened to the evidence that Connally had accepted the illegal gratuity, but the prosecution never presented its case against the former Texas governor on two counts of perjury, two counts of false testimony, and one count of obstruction of justice, all returned in connection with the $10,000 from the milk lobby. Connally and his attorney Edward Bennett Williams successfully argued for a separate trial on the latter five charges, and when the jury brought in the first acquittal the other counts were dismissed. Connally never stood trial for any of them.

And yet it was precisely in the areas of conspiracy, perjury, and false testimony that the evidence was the strongest. A trail of paper—hotel records, phone company records, bank records—was there to support the eyewitness testimony. But the jury never got to weigh those records on the charges where they mattered most; and on those five charges, John Connally has never been certified an honest man.

The case against Connally involved a story of two men, personal and political friends, who came to a final confrontation across a federal courtroom in Washington, D.C. One was Connally, former governor, former cabinet member; the other was Texas attorney Jake Jacobsen, self-confessed perjurer and political bagman for the dairy lobby. They had known each other for more than twenty-five years. Jacobsen had been involved in Texas politics since the late 1940s when he had worked for Texas Attorney General Price Daniel. In 1962, he was campaign manager for Daniel's unsuccessful attempt to defeat John Connally in the governor's race. Jacobsen deftly switched allegiances after the 1962 election and became a political friend of Connally. This friendship paid off in 1965, when he went to Washington as a special legislative assistant to Connally's pal Lyndon Johnson. Jacobsen served with LBJ until 1967, when he returned to Austin to practice law. His new law firm was promptly retained by Associated Milk

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When Connally joined the cabinet the dairy lobby was pleased, since one of its main lawyers was his old pal.

Producers, Inc. (AMPI), which paid him $247,000 between January 1, 1969, and April 1972. AMPI was the nation's largest milk producer cooperative and the most prominent member of the dairy lobby. In April of 1969, Jacobsen decided to trade on his Washington contacts and also became a partner in the Washington law firm of Semer, White, and Jacobsen. That firm was similarly retained by AMPI and received more than $116,000 from it during the next three years.

JOHN CONNALLY BECAME SECRETARY OF the treasury on February 11, 1971. The dairy lobby was pleased with the appointment since one of its main outside lawyers (Jake Jacobsen) was Connally's friend. At the time, the dairy lobby needed all the help it could get to influence the USDA's milk price support decision scheduled for March. Two weeks after Connally's appointment, Jacobsen was on the phone. Could he meet with Connally to discuss a problem involving a client of his? Connally readily agreed and an appointment was scheduled for March 4, at Connally's office.

Jacobsen met Connally on March 4 for more than an hour. According to Jacobsen, they discussed the merits of the price support issue, the vast financial resources and political power of the dairy lobby, the size of the three largest dairy cooperatives, and their checkoff system, which required members to pay $99 per year or one-third of one percent of their yearly gross receipts (whichever was less) to their various milk co-op political action funds. Jacobsen also told Connally of the dairy lobby's $2 million pledge to Nixon's reelection campaign. Jacobsen told Connally that the Department of Agriculture and the Office of Management and Budget were both against an increase in the price support levels. Jacobsen asked Connally to see what he could do. Connally agreed and said he would try to be helpful if he could. (Connally specifically denied to the Senate Watergate committee that Jacobsen discussed with him how AMPI's political arm had progressed since they had last talked and claimed that Jacobsen had not mentioned AMPI's political arm at all from early 1969 until early 1971.)

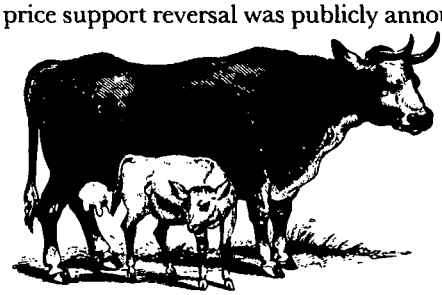
After seeing Jacobsen, Connally met with Nixon on March 5 and March 11, 1971, and discussed the forthcoming price support decision with him. It did not do much good. On March 12, 1971, Agriculture Secretary Hardin announced the price support level would remain unchanged.

AMPI's general manager, Harold Nelson, was not happy. He called Jacobsen to see if another meeting with Connally could be arranged. Jacobsen agreed to work on it. When Jacobsen met with Connally on March 19, he expressed to Connally the dairy lobby's bitter disappointment at the March 12 decision and said that they were going to turn to Congress for relief. Connally said he had no argument with what Jacobsen was doing and understood Jacobsen's position clearly. In subsequent testimony, though, Connally claimed that Jacobsen never said anything to him about political contributions, the same recollection that Connally had about their March 4 meeting. Jacobsen's recollection was different. He said he told Connally that if the March 12 decision was not reversed, the fiscal support previously pledged to Nixon's reelection would be terminated.

Connally's denial that he talked to Jacobsen about political contributions is suspect because Connally later testified before the Senate Watergate committee that the *only* person he talked to from AMPI was Jacobsen; that he had not talked to Jacobsen about AMPI's political arm from early 1969 to early 1971; that he did not talk with Jacobsen about AMPI's political arm or its political contributions at either the March 4 or March 19 meeting. Nevertheless, when he met with Richard Nixon at the White House on March 23, 1971, to discuss reversing the March 12 price support decision, Connally was remarkably aware, in elaborate detail, of just how the dairy lobby's political committees operated. Just how well informed Connally was on the political power and organization of the dairy lobby did not escape the notice of the Watergate Special Prosecution Force, which reviewed a tape of the meeting. In an internal memorandum, the prosecutors described Connally's discussion with Nixon:

> The next ten or fifteen minutes on March 23, 1971, could fairly be characterized as an intense effort by Connally directed toward eliminating all options for the President other than to raise the price support level. Connally explicitly eschews dealing with the merits of the issue and spends a great deal of time discussing the political power of AMPI and the political consequences of any decision other than an increase. Connally mentions the three co-ops by name; he mentions the number of members each has; he discusses the checkoff system, referring specifically to the $99 a year or one-third of one percent of the gross yearly receipts, whichever is less, arrangement. He tells the President that if the price support level is increased by legislation, that it will be the same drain on the budget as if it were increased administratively, except that Democratic leaders in Congress will get the credit for helping the farmers. Connally says that because of the dairy lobby's considerable financial resources and because of the significant legislators behind that increase, i.e., Carl Albert, Wilbut Mills, he thinks such a bill will pass. He then tells the President that a veto of the bill will cost him electoral votes in three and probably six states in the farm belt.

Largely as a result of Connally's persuasive pleading, Nixon reversed his own Department of Agriculture and raised milk price supports. Nixon then wisely had his bagman, Herbert Kalmbach, secure a renewed commitment of the $2 million pledge to his reelection campaign from the dairy lobby before the price support reversal was publicly announced.



On April 28, 1971, Jacobsen met with Connally at noon for half an hour in Connally's office in the Treasury Building. Connally told Jacobsen, "You know, I was of help on that milk producers thing, and I understand they have some political money. Do you think you can get some of that money for me?" Jacobsen thought he could. (Connally denied this conversation occurred.)

On the same day, Jacobsen called AMPI's Bob Lilly in San Antonio and requested $10,000 for John Connally because he had "delivered for us on the price support." Lilly then went to

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"I was of help on that milk producers thing," Connally said, "and I understand they have some money..."

see his boss Harold Nelson, who authorized Lilly to make $10,000 in cash available for Connally's personal use. On the morning of May 4, 1971, Lilly visited Jacobsen's Austin law office and personally delivered an envelope containing $10,000. At 4:50 that afternoon, Jacobsen went over to Citizens National Bank and signed into safety deposit box 865. Jacobsen said that he put the money from Lilly in box 865.

Jacobsen talked to John Connally on the phone on May 7 and May 8, 1971. According to Jacobsen, he told Connally he had what they had spoken about and he was ready to bring it, and Connally said that was fine. (Connally denied this.) On the morning of May 13, 1971, Jacobsen returned to safe deposit box 865 at Citizens National Bank in Austin, Texas. According to Jacobsen, he withdrew the $10,000 that he had placed there on May 4. Jacobsen flew to Washington that same day.

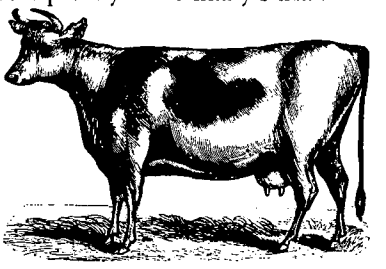
THE NEXT MORNING, JACOBSEN MET with Connally for an hour in Connally's office at the Treasury Department. According to Jacobsen, he gave Connally $5,000 in five separately wrapped bundles of $100 bills and said to Connally, "This is part of what we talked about . . . there's more where this came from." Connally took the money, walked into an adjoining bathroom for a few moments and then emerged without any sign of the money. (Connally denied all of this.)

From the Treasury Department, Jacobsen went straight over to the nearby 15th and M Street office of the American Security and Trust Company, where he opened a safety deposit box, 546. After opening the box, he had access to it at 11:43 A.M. and left at 11:47 A.M. According to Jacobsen, he put the remaining $5,000 from Lilly in American Security and Trust Company's box 546.

Jacobsen and Connally met again for almost an hour on the afternoon of September 23, 1971, in Connally's office. Jacobsen claimed that during his meeting with Connally, he asked Connally if he was ready for the rest of the money. Connally was. Jacobsen said he would bring the money the following day, and they made arrangements for him to do so the next morning. (Connally denied this.)

The next morning was a busy one for John Connally. He had a cabinet meeting at the White House at 9:00. From 9:30 to 10:30, he met with Nixon and Federal Reserve Board Chairman Arthur Burns. At 11:00 he was due on Capitol Hill to testify before the Senate Foreign Relations Committee. Nevertheless, Connally found time to squeeze in an unscheduled meeting with Jake Jacobsen. Instead of going straight from the White House at 10:30 to Capitol Hill at 11:00, Connally stopped at his office to meet with his old friend. The meeting was not listed on Connally's appointment calendar. That same morning at 9:20 Jacobsen had visited the 15th and M Street branch of the American Security and Trust Company, where he had access to safety deposit box 546 for the last time. According to Jacobsen, he had withdrawn from box 546 the remaining $5,000 he had received from Lilly and brought it to his meeting with Connally at 10:35. When Connally arrived after his meeting with Arthur Burns and Nixon, Jacobsen gave the $5,000 to Connally, who again went into the bathroom and emerged from it without any sign of the cash. (Connally denied this.)

Why had Jacobsen entered his safety deposit box on the morning of September 24, 1971, and then walked over to the Treasury Department to see Connally for a brief ten minutes? According to Connally, Jacobsen had told him the day before that the Home Loan Bank board wanted Jacobsen out of the savings and loan business and was trying to force him to sell under an unfair formula. Jacobsen asked Connally to raise the question with Thruston Morton, the chairman of the Home Loan Bank board. Connally made two phone calls to Thruston Morton later on September 23. As for September 24, according to Connally, "I think Jake came by to find out if I had learned anything." The Watergate prosecutors were skeptical. Came by? To see if he had learned anything? This takes a personal meeting? What are telephones for? the government was to ask subsequently at Connally's trial.



Except for one meeting in 1972, Connally and Jacobsen were not to see each other again until the fall of 1973, a time labeled "the obstruction period" by the Watergate Special Prosecution Force.

By October 1973, the Senate Watergate committee's investigation of illegal campaign financing during the 1972 election was in full swing. Those dairy lobby officials who had been swaggering around town with their briefcases full of money from 1969 through 1972 were scurrying for cover, and Bob Lilly was one of them.

AMPI's Harold Nelson called Jake Jacobsen on October 24, 1973, with some bad news. Bob Lilly was in Washington, prepared to tell Senate Watergate committee investigators about the $10,000 in cash that Lilly had given to Jacobsen for what Lilly believed was John Connally's use. Jacobsen promptly got on the phone with Connally. According to Jacobsen, he told Connally that the investigation in Washington was zeroing in on money that Jacobsen had gotten for Connally. Connally hastily asserted that Jacobsen had never given Connally any money, and Jacobsen agreed. Connally by this time had resigned from the cabinet and was speaking from his Houston law office, and he told Jacobsen that he would be in Austin on Friday. Jacobsen agreed to meet him there at the Sheraton Crest Inn.

Jacobsen arrived at Connally's suite at the Sheraton Crest at 9 A.M. on Friday, October 26, 1973. He says he told Connally that he was not going to tell anyone that he had given Connally the money. Connally said fine. They then discussed how to handle what Lilly was telling the Senate Watergate investigators. Connally suggested that he give $10,000 back to Jacobsen, who would put it in his safety deposit box and say it was there all the time. But if they did that, how would they explain why Jacobsen retained the

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How could they explain why Jacobsen kept the money for so long? Connally had a clever answer in mind.

money for two and a half years? Connally had an answer. Jacobsen could say that he offered it to Connally to give to other candidates when Connally was secretary of the treasury but that Connally refused to accept it because of his anomalous position as a Democrat in a Republican administration. As a Democrat in a Republican administration he did not want to give it to Democrats, and as a member of the Democratic party he could not give it to Republicans.

Better still, suggested Connally, Jacobsen could also say that a year later he had reoffered Connally the money, after Connally became chairman of Democrats for Nixon, and that Connally declined the money then as well because milk producers were being publicly criticized for throwing cash around and Connally did not want to accept large cash contributions as a matter of policy. As for any further delay, Connally suggested, all the controversy surrounding Watergate could explain why the money had not yet been returned to Lilly. (Connally denied that the discussion covered any of this.)

The meeting ended around 10 A.M. and Jacobsen returned to his law office. Shortly after 2:20 that afternoon, Jacobsen was subpoenaed to appear before the federal grand jury. Jacobsen promptly called Connally back at the Sheraton Crest, but Connally was not there. Jacobsen left a message asking Connally to call him back. On Sunday, October 28, back home in Houston, Connally called Jacobsen. According to Jacobsen, he told Connally that he had been subpoenaed to appear before the grand jury, and Connally said "Jake, we've got to get that money back in your hands right away." Connally told him to charter an airplane from Austin to Houston and be in Connally's law office on Monday morning, October 29, to pick up $10,000. Connally has denied saying this and has denied that Jacobsen told him over the phone on October 28 that he had been subpoenaed to appear before the grand jury.

ACCORDING TO CONNALLY, JACOBsen had already told him about being subpoenaed by the grand jury. Connally claimed that on Friday, October 26, when he returned to his hotel room at approximately 5 P.M., he found a message to call Jacobsen. Connally then called Jacobsen, who said that he needed to talk to Connally. Connally told him to come right over, and he was there by 5:20 P.M. They talked for approximately fifteen to twenty minutes. At the meeting, Jacobsen told Connally of his subpoena and the involvement of Connally's name. Connally asked Jacobsen why his name was to be involved, and Jacobsen explained that Lilly had mentioned Connally's name in connection with conversations Jacobsen had regarding possible contributions. Jacobsen then told Connally, "I am prepared to testify that our conversations never took place and I never heard of any $10,000." Connally told Jacobsen he could not do that because the conversations did take place. Connally was not happy about his name coming up in grand jury testimony, but he felt it was "just one of those things."

Hotel records from the Sheraton Crest did not support Connally's version. The records of Connally's stay at the Sheraton Crest showed no local calls. All local calls at the Sheraton Crest are posted to a guest's record. The procedure is automatic, and according to these automatic records Connally did not return Jacobsen's call at 5 P.M. as he claimed to have done.

On Monday, October 29, Jacobsen chartered a private plane to Houston, arriving around 10:30 A.M. He promptly went to Connally's office. According to Jacobsen, he and Connally again went over the same story they had concocted two days earlier at the Sheraton Crest Inn. After that, they decided they should have a good reason why Jacobsen was seeing Connally that day. Connally suggested that the subject of the meeting be the discussion of the delay in the processing of a bank application by a Connally client named Gus Wortham. Connally then left the room and returned ten minutes later with a cigar box. The box contained $10,000 in small bills and "a rubber glove or rubber gloves." Connally threw the glove or gloves into the wastebasket and handed the money to Jacobsen with the comment that the money should be all right because it was "old enough." Jacobsen then left Connally's office and went to the airport. His charter plane from Ragsdale Aviation took off at 12:35 P.M. and arrived in Austin at 1:30. Jacobsen promptly went to the Citizens National Bank in Austin and entered safety deposit box 865 at 2 P.M. According to Jacobsen, he placed in the box the $10,000 in small bills he had received from Connally.

Connally denied all this. According to Connally, he called Jacobsen on Sunday, October 28, because he was taking care of a number of last-minute matters before leaving for a two-week trip on October 29. It occurred to Connally that he had done nothing about a request from Gus Wortham, one of his firm's oldest and most important clients, to see whether anything unusual was delaying a bank charter application. Wortham had made the request on October 10, 1973. Because of Spiro Agnew's resignation on October 10 and all of the calls that followed, Connally had forgotten about Wortham's request and did not think of it again until October 28. When he thought of it, he promptly called Jacobsen and asked him to come over the next day, chartering a plane if necessary.

So, October 29 was a "very, very busy day" for Connally. The prosecutors wondered why, if it was so busy, Connally did not handle the matter with Jacobsen over the phone. Connally's reply: "Well, yes, I think the reason I did not is it would have taken me longer, I think, on the telephone than it would have taken in person." According to Connally, Jacobsen got to his office around 10:45 A.M. and they spent twenty minutes together, during which Connally described Wortham's bank application problem, which he wanted Jacobsen to look into. Connally admitted, however, that he did not give Jacobsen any files or folders in connection with the bank application. Connally's client, Gus Wortham, confirms that he had asked Connally about the unusual delay in his bank charter application and had mentioned the matter again to Connally on October 10, 1973. As late as April 1974, Connally had yet to provide an answer for Wortham.

Connally also claimed that he wanted Jacobsen to charter a plane to Houston because Jacobsen was depressed. "I asked him to come to Houston October 29, so I could personally look at him," Connally said, "and impress upon him the seriousness and interest I had in this bank charter and to judge for myself whether or not he was going to be aggressive

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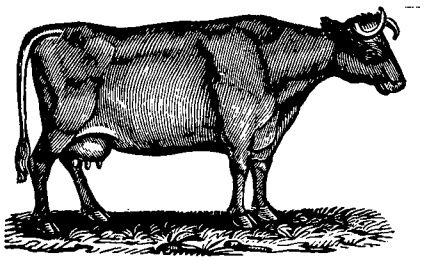
Connally made several key mistakes before the grand jury–mistakes for which he was later to be indicted.

enough and outgoing enough." But wait a second, the prosecutors said. Hadn't Connally just seen Jacobsen on October 26? Well, yes, but that meeting "was an extraordinary meeting in terms of the subject matter. . . . I did not pay any attention to what his demeanor and what his attitude was or anything else."

ON THE NEXT FRIDAY, NOVEMBER 2, 1973, Jacobsen flew to Washington and testified before the Watergate grand jury, telling the cover-up story he claimed he and Connally had agreed to. On November 14, 1973, Connally also testified before the Watergate grand jury. His story corresponded to what Jacobsen said they had agreed to on October 26. But Connally made several mistakes in his testimony that day, mistakes for which he was later indicted but never stood trial.

- Connally denied that Jacobsen told him that the $10,000 came from AMPI or the dairy industry. This was false and Connally subsequently admitted as much.
- Connally denied talking with Jacobsen about the $10,000 in the three weeks prior to his grand jury appearance.
- Connally also claimed he had not met with Jacobsen at all in the last three weeks except on Monday, October 29, 1973, regarding the Wortham bank charter. Both of these statements were false. Connally had met with Jacobsen on Friday, October 26, specifically to discuss the $10,000 from the dairy lobby.

Also, Connally later testified that he had called Jacobsen from his hotel room on the afternoon of October 26 and learned about Jacobsen's subpoena by the grand jury. As we have seen, this statement was false and contradicted by hotel records.



On Saturday, November 24, 1973, George Christian, former press secretary to both Connally and Lyndon Johnson, called Jacobsen and asked him to meet Connally at Christian's home in Austin the next day. Jacobsen agreed. Connally, professing to be worried about news stories that he was being investigated by the Watergate prosecutors, had telephoned Christian, asking him to invite Jake Jacobsen to a strategy session: Should Connally demand a public hearing before the Senate Watergate committee or should he choose another forum and, if so, what?

On Sunday Connally arrived, carrying an attaché case. The men talked very briefly. When Christian's four-year-old son woke up, Christian left Connally and Jacobsen to go upstairs to dress him, take him to the kitchen, and fix a bowl of cereal. By the time Christian returned, Connally and Jacobsen were ready to leave.

What happened in the short time Christian left Connally and Jacobsen alone? According to Jacobsen, Connally told him some of the money in the first batch he gave Jacobsen on October 29 included "Schultz bills" (money issued while George Schultz, Connally's successor, was secretary of the treasury) and hence, some of the bills were issued later than they should have been to be sitting in Jacobsen's safety deposit box all that time. So Connally had brought Jacobsen another $10,000 to replace the October 29 batch of money. But wait, said Jacobsen, he had promised the Watergate prosecutors that they could inspect his safety deposit box, and if he signed into that safety deposit box the day before the FBI inventory was scheduled, well—he just can't do it. "John, I told them in Washington I wouldn't touch that . . . box until the FBI inspects it," Jacobsen said. "I'll have hell getting in." Connally was not concerned. He believed it could be worked out: "Well, Jake . . . you simply got to get in that box without leaving a trace." Connally opened his briefcase. There was a bundle wrapped in newspaper inside. Connally then apparently changed his mind and suggested they make the money exchange outside. Christian reappeared from the kitchen as Jacobsen and Connally were leaving. They called goodbye to him. According to Jacobsen, he and Connally both entered Connally's car. Connally again opened his attaché case. This time, the newspaper-wrapped bundle was taken out and passed to Jacobsen. The newspapers contained a second $10,000 from Connally. Connally told Jacobsen to keep the first $10,000 until the matter blew over. Jacobsen then went home with the money.

Connally denied that he passed any money to Jacobsen at Christian's house. Christian backed up Connally's story in a small but crucial respect. He testified at Connally's trial that he did not see Jacobsen get in Connally's car. This is important because that is where, according to Jacobsen, the money exchange took place. Connally's overall testimony about the meeting at Christian's house did not, however, satisfy the Watergate prosecutors. Connally denied that he and Jacobsen discussed their respective grand jury testimony at Christian's house. According to Connally, "I asked how he was feeling. We engaged in a little small talk." And what did Connally say to Jacobsen as they walked away from Christian's house to their cars? According to Connally:

> I asked him if he'd heard anything on the Gus Wortham matter. He gave me an indirect answer. I thought to myself that he hadn't done anything on it. So I gave him, perhaps, a little unwanted advice. I said, "Jake, you're going around with this hangdog look, you won't see your friends, you go around looking like a sheep-killing dog. You've got to get a hold of yourself. It's no disgrace to go broke. Take your bankruptcy, and then go practice law. Other people have done it."

On another key point, however, Christian's testimony supported Jacobsen. Did Connally, in fact, have a briefcase with him? Yes, he did, recalled Christian. Was it opened in Christian's presence? No. Well then, the prosecutors wanted to know, what was the meeting for? To hear Connally tell it, all they did was engage in small talk, culminating in a dutch uncle lecture to Jacobsen as they walked away. This was a strategy meeting that Connally asked Christian to arrange and yet Christian spent most of the time with his four-year-old son rather than with Connally and Jacobsen. Further, Connally had come from his daughter's house, only a few blocks

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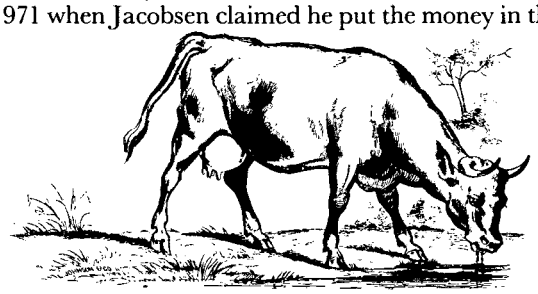
At his trial, the panel wasn't told that Connally faced five additional counts of lying and obstructing justice.

away. And he returned to his daughter's house. Why did he bring a briefcase with him to Christian's house, the prosecutors asked, since he never opened it in Christian's presence? For the prosecutors, Jacobsen's story supplied an answer: the transfer of money with no witnesses.

On the next day, November 26, Jacobsen saw his former law partner Joe Long, who was also an official of the Citizens National Bank. He asked for Long's help in getting into his safety deposit box without a record being made of it, and Long agreed. Late in the day, after the bank was closed to customers, Long got the master key, and the two of them went into the vault together. Long took the contents of box 865 (which Jacobsen had last entered on October 29, after he had seen Connally) and gave it to Jacobsen. Jacobsen gave Long a package, which Long then placed into Jacobsen's other safety deposit box at the bank, box 998.

Although he did not know it at the time, the following day, November 27, was the beginning of the end for Jacobsen. FBI agents called him and asked to inventory his safety deposit box. Later that same day, he met two FBI agents at Citizens National Bank, where the contents of Jacobsen's box 998 were inventoried. It was the same box into which Long put a package from Jacobsen the day before. The package contained $10,000. "I'm sure glad it's all there," said Jacobsen to the agents. Unfortunately for Jacobsen, the $10,000 he claimed he had received from Connally was not "old enough" after all; twenty bills had not been in circulation on the date in 1971 when Jacobsen claimed he put the money in the box.



On February 21, 1974, Jacobsen was indicted by a federal grand jury in the District of Columbia for perjury by having testified before it that he had not touched the $10,000 in safety deposit box 998 between May 1971 and November 1973. The grand jury indictment also specified that Jacobsen had gotten money in 1971 from AMPI "on the representation that such money was to be paid to a public official for his assistance in connection with the price support decision." The public official, of course, was John Connally, although he was not publicly named at that time.

In June 1974 Jacobsen's lawyers worked out a plea-bargaining agreement with the Watergate prosecutors to let Jacobsen testify against John Connally in exchange for pleading guilty to a reduced felony charge of giving a gratuity to a federal official. On July 29, 1974, both Jacobsen and Connally were indicted. Jacobsen was charged with giving a gratuity to a federal official. For his alleged role, Connally was indicted on seven separate counts. The first two counts against Connally charged him with acceptance of an illegal gratuity on May 14, 1971, and again on September 24, 1971, for performing an official act—recommending a price support increase to the President. (Accepting an illegal gratuity means only that an official performed an official act and then accepted a token of appreciation for it. It is different from bribery, when an official agrees in advance to perform an official act in return for a certain sum.) These are the only two counts on which Connally was subsequently to stand trial.

The other five counts all dealt with the cover-up that the prosecutors believed Connally and Jacobsen had contrived. At Connally's request, the court ordered these counts to be tried separately, but they never were. They were dropped after Connally's acquittal.

The third count charged Connally with conspiring with Jacobsen to obstruct justice and make false declarations before the Senate Watergate committee and the grand jury, and the fourth count charged Connally with perjury before the same two government bodies.

The fifth and sixth counts charged Connally with giving false testimony before the grand jury on November 14, 1974, when he testified that he had not spoken to Jacobsen for a "long time" about the $10,000 and that his "only" contact with Jacobsen in the three to four weeks preceding his November 14 appearance was at Connally's law office in Houston on October 29. The prosecutors believed that Connally was attempting in his grand jury appearance to cover up his October 26 meeting with Jacobsen at the Sheraton, where they did in fact discuss the $10,000. In his second grand jury appearance, on April 11, 1974, Connally changed his story and admitted that he did have a meeting with Jacobsen on October 26 and that they did discuss the $10,000.

The seventh count charged Connally with perjury for denying that Jacobsen had told him in their phone conversation on Sunday, October 28, about the grand jury subpoena Jacobsen had received the previous Friday afternoon, following their early morning meeting at the Sheraton. This was the first opportunity Jacobsen had had to talk with Connally since he received the subpoena, and the prosecutors believed it incredible that Jacobsen would not have told Connally about it, particularly since the two had discussed the general problem of the $10,000 only two days earlier. The prosecutors believed Connally lied about the October 28 phone call to cover up what they thought was the true purpose for flying Jacobsen to Houston on a chartered plane the next day—Connally's returning $10,000 to Jacobsen.

Many details about defendants are withheld from juries because of the prejudicial effect such knowledge might have on their deliberations. In Connally's trial, the jurors weren't told of the other five indictments pending against him. There were weaknesses in Connally's testimony, but the jury did not know these "weaknesses" had resulted in Connally's indictment on two counts of perjury and two counts of giving false declarations to a grand jury. And although the jury knew that Connally and Jacobsen had both failed to tell the grand jury about their October 26 meeting at the Sheraton, the jury did not know that Connally had been indicted for conspiring with Jacobsen to obstruct justice at that meeting.

These are important distinctions to keep in mind when analyzing both the jury's not-guilty verdict on the two counts of receiving an illegal gratuity and the jury foreman's comment that their verdict did not necessarily mean that they had found Connally innocent, "but rather not guilty on the case

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Jurors had to believe only that two shrewd pols would not discuss cash and official acts in the same breath.

presented to us." Connally never stood trial on the lesser counts where he was clearly in greater jeopardy.

Consider Jacobsen's story once again. The prosecution claimed in its closing argument to the jury that "on virtually every conceivable point where Mr. Jacobsen could be corroborated, he has in fact been corroborated." To a great extent this was true. Jacobsen's story of delivering the money to Connally in 1971 and Connally's delivering the money back to him twice in 1973 is corroborated by both the safety deposit box pattern and Connally's weak explanations of the purpose for the last 1971 meeting and the two 1973 meetings. Jacobsen's story of originally getting the money from the dairy lobby for delivery to Connally is corroborated by Bob Lilly's testimony.

BUT EVEN IF THE JURY BELIEVED Jacobsen's story on those points where it was corroborated, they still did not have to find John Connally guilty of receiving an illegal gratuity. Why not? Because the one meeting between Connally and Jacobsen that did not have (and by its nature could not have) any corroborating evidence was the one on April 28, 1971, when Jacobsen claimed that Connally had asked him for some of the dairy lobby's "political money" because he had been "of help on that milk producers thing."

There obviously could be no corroborating evidence on the words exchanged between the two. Jacobsen was alone against John Connally's credibility. The prosecution hoped that all that followed afterward—Jacobsen's call to Lilly later on April 28 asking for money for Connally, the suspicious meetings, the safety deposit box patterns, the issuance dates of the money, and Connally's weak explanations, false statements and contradictions—would lead the jury to accept Jacobsen's version of what happened at the April 28 meeting.

It didn't work. The jury did not believe Jacobsen; they did not believe that John Connally could bring himself to ask for money and crudely remind Jacobsen at the same time of what Jacobsen already knew, i.e., that Connally had helped the dairy lobby enormously on Nixon's 1971 price support decision. It simply did not ring true to them. What happened after the April 28 meeting was in a sense irrelevant to the illegal gratuity charges. Everything after that could have happened just as Jacobsen claimed and Connally still would not have been guilty on those charges.

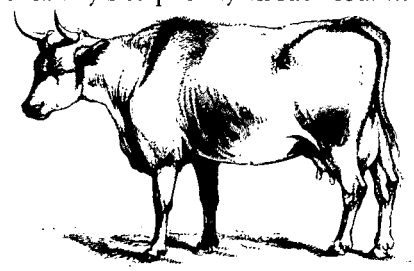
We can never know what the jury really believed happened on April 28, 1971. Even if individual jurors came forward and attempted to answer that question now, they could speak only for themselves. They could not know what their fellow jurors were thinking at the time, and indeed they may have forgotten by now what they themselves were really thinking at the time.

What the jury *could* have believed about the April 28 meeting is that "political money" *was* discussed, if only because Jacobsen called Lilly the same day and asked him for money to give to Connally. What they also could have believed was that, as Connally testified, Jacobsen offered Connally the money solely for his use as political contributions without any crude, explicit references to the recent price support matter. And what they could have believed was that, contrary to Connally's testimony, Connally agreed to and did take the money for its intended use—political contributions. And they could also have believed that Connally conspired in 1973 with Jacobsen to return the money, not once but twice.

The jury could have believed all of these things. And if they did, then John Connally would still not be guilty of receiving illegal gratuities, and all the other evidence against him would not have mattered because the jurors did not have before them the conspiracy, perjury, and false declaration counts.

In a very real sense, the most serious charges against John Connally—receiving illegal gratuities—were the weakest, because in order to find him not guilty, the jury did not have to believe that Connally never received the money. All they had to believe was that two shrewd political operators like Connally and Jacobsen would not be so naive as to discuss official acts in the same breath as receiving political cash from the beneficiary of those acts.

While there was substantial circumstantial evidence tending to show that Connally and Jacobsen had engaged in a conspiracy to obstruct justice by their testimony before the grand jury and the Senate Watergate committee, the jury never had to evaluate John Connally's culpability on such a conspiracy count. Similarly, while there was evidence tending to show Connally had committed perjury and made false declarations before the grand jury, the jury never had to evaluate John Connally's culpability on such counts.



The net result, as we all know, is that today, John Connally is a free man, campaigning for president.

Whatever happened to Jake Jacobsen? Columnist William Safire made a prediction before the trial: "Whichever way it goes, it's jake with Jake. Thanks to the special prosecutor, Mr. Jacobsen is out of his big Texas fraud trouble and has pleaded guilty to only giving a bribe. If the jury does not believe that he bribed Mr. Connally . . . then no bribe was given and Mr. Jacobsen has his freedom and a good long laugh." Bill Safire, however, was one of Nixon's speech writers and not one of his lawyers. Connally may have been innocent of accepting an illegal gratuity from Jacobsen, but Jacobsen had pleaded guilty to bribing Connally and he stayed guilty. Connally's acquittal did not take Jacobsen off the hook. Later Jacobsen's license to practice law was suspended, and these days he works in an Austin employment agency and tries to hide out from newsmen.

The only humor was furnished by the dairy lobby, which never denied that it had willingly and knowingly attempted through Jake Jacobsen to bribe the secretary of the treasury. Unrepentant, AMPI even asked the government after the trial if it could have its $10,000 bribe returned. Out of the entire story of the attempted bribery of John Connally, only that deserves a good, long laugh. ❑

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In East Timor 400,000 people face death while Jakarta keeps the rest of the world away.

The Politics of Starvation

By Arnold S. Kohen and Roberta A. Quance

FAMINE, AS WIDESPREAD and deadly as that destroying Cambodia, threatens at least 400,000 persons still alive in war-torn East Timor. This starvation is no accident; instead, as Britain's *Guardian* recently concluded, the "weight of evidence" shows that starvation is a deliberate policy adopted by the Indonesian government to crush opposition to Jakarta's annexation—accomplished with U.S. arms—of this Connecticut-sized former Portuguese colony in the East Indies. Even before the current famine, church sources had charged that more than 200,000 of East Timor's previous population of 690,000 had died as a result of Indonesia's invasion in December 1975 and subsequent military operations.

By all accounts the present famine is catastrophic. The *Washington Post* cited a report from the only relief specialist from the International Committee of the Red Cross (ICRC) allowed in East Timor, who said that the situation is worse than in Biafra during the Nigerian civil war, and potentially more dangerous than in Cambodia today. Indonesia's own foreign minister has endorsed the comparison to Cambodia. Since the Indonesian military has permitted only two outside relief specialists plus two ICRC medical staff members to oversee relief efforts—and the Indonesian army has a long history of obstructing local relief work—East Timor's suffering may have only just begun.

The outcome of Jakarta's four-year campaign backed by the United States seems plain enough. But now, after supplying 90 percent of the arms that the Indonesian military used to launch its invasion, and resupplying it with sophisticated antiguerrilla aircraft (in addition to providing key diplomatic support), the United States has simply swung into another phase of its effort to bury the Timor problem. The State Department is determined to mask the nature and extent of the current crisis, no doubt hoping to forestall debate about the policy. U.S. officials are so eager to protect Jakarta (and their own position) that

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they implicitly discourage more international monitoring, relief, and medical teams from applying to enter East Timor; their eerily optimistic picture of the situation, moreover, helps give the Suharto regime the rationale for rejecting agencies that might apply. The need for significant numbers of independent, on-the-spot observers is crucial. Without such oversight the Indonesian military remains largely free to allocate or withhold relief as it sees fit, according to its political aims. Yet when State Department officials gave their version of events at a December 4 hearing before the House Subcommittee on Asian and Pacific Affairs, they all but cheered the Indonesian government's humanitarian concern; they offered arguments and terminology that would have forced George Orwell to expand considerably his famous essay on politics and the English language.

Weeks before the hearing took place, Indonesian officials—in a bizarre contradiction of earlier statements by the foreign minister and despite damning photographic evidence—had busied themselves denying the existence of starvation in East Timor. They were graciously assisted by Washington. Out of deference to the Indonesian generals—rulers of a strategically located, anti-Communist OPEC nation with the fifth largest population in the world—State Department witnesses avoided using the word "famine"; for "starvation" they substituted the less offensive "acute malnutrition." As one senior U.S. official put it privately, "All this talk of starvation drives the Indonesian government up the wall."

Since the December 1975 invasion, the Indonesian military has kept East Timor largely sealed off from independent foreign journalists. The Carter administration has claimed that it therefore knows little about the effects of the invasion of East Timor. But a wide range of reliable sources—including many refugees in Portugal and Australia whom the administration has somehow overlooked—disclose that the Indonesian invasion has dislocated most of the population, prevented the cultivation of crops, and severely upset the traditional economy.

Sources that are close to the Indonesian government privately compare Jakarta's use of airpower with the U.S. carpet-bombing of Indochina; according to these sources the "strategic hamlets" set up by the United States in Vietnam now have their counterparts in the Indonesian-held areas of East Timor (some parts of the territory remain outside Indonesian military control, with up to a few thousand guerrillas reportedly holding out). Nonetheless, in his December testimony, Edward E. Masters, U.S. ambassador to Indonesia, when asked to explain the horrifying condition of tens of thousands of people, offered a list of factors in which the war was virtually a footnote. Among his reasons: "extreme backwardness," "lack of infrastructure," "prevailing poverty," "slash and burn agriculture," "erosion," and "drought." The ambassador did not miss any opportunity to blame Portugal, although he did not specify how the Portuguese, who pulled out of their half of the island four years ago—and never carpet-bombed or defoliated the place—might be responsible for a current famine.

Father Leoneto Vieira do Rego, a 63-year-old Catholic priest who lived in East Timor for twenty-three years, until June 1979, is to date the best available witness to Indonesia's military strategy. (Yet he was not called to testify at the December hearing, which was chaired by Representative Lester Wolff [D-N.Y.]; Wolff, like the State Department, was keen to avoid offending Jakarta.) Father do Rego lived for nearly three years in zones held by East Timor's FRETILIN independence forces. He has explained to the *New York Times* that Jakarta's ruthless campaign of bombing and encirclement forced many to flee further and further into the forbidding interior, and eventually made it impossible for people to cultivate food. As the Indonesian army made inroads into FRETILIN defenses, some of the mountain people, besieged and unprotected, had little choice but to come down from the hills in search of food, clothing, and medical attention; others were forcibly removed from mountain areas by the Indonesian army. All were herded into heavily guarded camps where, church sources charge, as many as one-third have died, chiefly because of a policy of deliberate neglect on the part of the occupation forces.

By State Department admission, there are now 150 such "resettlement centers." Most sources say their total population is at least 300,000. Ambassador Masters referred to these camps as "regroupment areas" where, he maintained, people could most efficiently receive "social services" and be closer to "much better land" than they presently possessed, but he did not explain why they required "regroupment" in the first place. Experts on the region regard the State Department arguments as obfuscations. For Elizabeth Traube, a Harvard-trained anthropologist who lived in East Timor for more than two years, until late 1974, the "regroupment areas" would "clearly represent a break with long-term, traditional settlement patterns, which were adapted to traditional means of subsistence." Traube stresses that today's conditions "are not the natural outcome of East Timorese environment, economy or demography. War is clearly the catalyst."

IF THE NATIONAL PRESS begins to take a close and serious look at the situation (and there are some signs that this is happening), the Carter administration may well have a scandal on its hands. For despite convincing testimony in four hearings during February 1978 before a subcommittee then chaired by Representative Donald M. Fraser (D-Minn.), the Carter administration committed itself to a policy of willful blindness as it stepped up shipments to Jakarta of Rockwell ov-

"This talk of starvation drives the Indonesian government up the wall," says a U.S. official.

10 "Bronco" planes and other military hardware. The Bronco, ideal for counterinsurgency operations, enabled Jakarta to reach deep into East Timor mountain areas to destroy crops and bomb the population out of the hills.

Although persistent tales of these actions and numerous Indonesian military atrocities have been public for years, the State Department chooses to ignore them. But authoritative sources close to the Indonesian government say that the

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Carter administration has had ample confirmation of these reports. Pointing to America's monitoring and surveillance systems, they hold that Washington has kept a close watch on East Timor. Through these channels alone, then, the State Department has long had information about Jakarta's brutal campaign. It has had full knowledge, in particular, of the Indonesian military's policy of summarily executing most of the FRETILIN soldiers who are either captured or surrender. In some cases even the families of FRETILIN leaders have been shot, children included.

*WHILE IGNORING CON*tinuing Indonesian brutality, the State Department has, since March 1977, touted a policy of "encouraging" Jakarta to allow the reentry into Timor of the International Red Cross. The ICRC was forced to suspend its operations in December 1975 when the Indonesian military passed along a thinly veiled threat to kill foreigners who did not leave the territory before the invasion. It was April 1979 before the ICRC was even allowed to make a preliminary survey, and October 1979 before it could actually resume operations—with one doctor, one nurse, and one relief specialist to assist the government-controlled Indonesian Red Cross. That it took thirty months to get three ICRC people in speaks eloquently for the Carter administration's "quiet diplomacy." While the administration maintained that it was doing all it could to facilitate the entry of independent relief teams, it knew full well why Jakarta wanted to keep these groups out: The ICRC, charged with enforcing the Geneva conventions, would not have looked favorably on the summary execution of prisoners of war, nor would it have condoned the Indonesian army's nearly total diversion for profit of aid supplies donated from abroad, or the political distribution of what did get through.

From March 1977 through March 1979, Indonesia went all-out to capture areas outside its control where, by State Department admission, most of the population was living. Jakarta's scorched-earth policy, described in detail by Father do Rego, was carried out without the slightest sign of protest from Washington. (U.S. military sales to Indonesia, meanwhile, jumped from $5.8 million in fiscal 1977 to $112 million in fiscal 1978.) Had the ICRC been operating freely in East Timor during this period—let alone since the December 1975 invasion—tens of thousands of deaths from starvation and disease (as well as, perhaps, some executions) could have been prevented. (During the recent bitter fighting in Nicaragua, for example, the ICRC was at least available to provide some sustenance to noncombatants.)

In September 1978, a hand-picked party of journalists and diplomats—including Ambassador Masters—came face to face with the problem on one of Jakarta's rare "conducted tours" through a few East Timorese villages. The Canadian ambassador told reporters that the people he saw in the village of Remexio "were in a deplorable condition. They are starving in many cases; they are desperately ill; they need help in terms of immediate relief—food, clothing, basic medical care." The Australian ambassador, too, found people "in a deplorable condition." One ambassador told David Jenkins of the Hong Kong–based *Far Eastern Economic Review* that the children in one Indonesian-run "transit camp" were so undernourished that "they reminded him of victims of an African famine."

Local church relief workers made the observation that in one district alone—the territory has fourteen—as many as five hundred people a month had died of starvation. "Tuberculosis," Jenkins wrote, "is a major problem, and with so many people sleeping on the damp ground at night, there is danger of widespread pneumonia." A local official warned that, as bad as these conditions were, in other areas conditions were much worse, and aid desperately needed. The Indonesian foreign minister, who had escorted the group, replied that indeed he would welcome foreign humanitarian assistance—so long as the donor nations recognized Indonesian sovereignty over East Timor.

Prior to the ambassadors' visit, the London *Sunday Times* had reported that the trip was designed to "achieve world acceptance" of Indonesia's claim to sovereignty over East Timor. One Australian newspaper had quoted an Indonesian source as saying that the visit was aimed at gathering more support for Jakarta's position in that year's UN debate on the issue. And the Australian press pointed out that while Jakarta was appealing for foreign aid—on its own terms, for the victims of its own aggression—the Indonesian army was using East Timor's coffee to help pay for the upkeep of its troops. In 1978 alone the coffee was valued at $7.5 million, nearly as much as the total U.S. relief aid contribution for East Timor thus far. The Indonesian press has reported that local people are paid less than half of the actual value of the coffee, and church sources charge that the military has in some areas released foreign relief supplies only in exchange for coffee.

The Indonesian government failed in its crude attempt to entice recognition of its claim to East Timor by making that a prerequisite for humanitarian relief assistance. The United Nations continues to reject Indonesia's claim to East Timor, with the Western European nations and Canada following Portugal's lead in withholding recognition. The United States takes a contorted position: It recognizes the Indonesian claim but "does not recognize that a valid act of self-determination has occurred."

In the absence of significant pressure from Indonesia's American and Western European allies, the appalling conditions that came to light in September 1978 were apparently not bad enough to compel Jakarta to admit the ICRC—despite an urgent appeal by seventy-six members of Parliament from nearby Australia. When confronted at the December 4 hearing with evidence of starvation in September 1978, and questioned about why the Indonesian regime had taken so long to permit outside relief agencies to begin their work, Masters simply denied knowing that the situation was all that serious. He reminded the committee that he had been on a "restricted visit"—technically true, although he did not complain at the time—and that "the ambassadors there

The International Red Cross was kept out of East Timor for more than three years.

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didn't know how bad it was—the others felt the same way that I did, that the situation wasn't that serious." (At least seven news organizations had said otherwise.)

There has been no deliberate policy of starvation carried out by the Indonesian military, according to Masters. "This is a great disservice to Indonesia," he said, adding that "the treatment of Vietnamese refugees (who have landed on Indonesian islands) shows that this is not true." In fact, one case has absolutely nothing to do with the other; the Vietnamese refugees are not Indonesian military targets. Moreover, Western sources working directly with the Vietnamese refugees in Indonesia charge that Indonesian army men strip many refugees of their possessions and frequently force Vietnamese women into prostitution. As for the original charge, David Watts, in the *Times* of London on December 14, 1979, described the military campaign as "Jakarta's vicious starvation policy." He concluded that "the Indonesian Government must bear a heavy responsibility for not having called in outside help sooner . . . thousands of lives have been needlessly destroyed and far from bringing assistance the Jakarta Government blocked the return of the International Committee of the Red Cross."

THE DETAILS OF THIS delay grow more sordid still. In April 1979 ICRC delegates were finally permitted to go into East Timor to make a preliminary assessment; they found that "tens of thousands of people displaced by military operations were facing starvation unless aid was brought to them quickly, a situation aggravated by the absence of any medical service." Yet the Indonesian government did not move to expedite the entry of the ICRC.

ICRC delegates returned to East Timor in late July 1979 to make a second, more detailed survey. The group visited thirteen villages with a total population of 75,000 and found that 60,000 people were in "an alarming state of malnutrition, among them 20,000 dying of hunger." These 20,000 people were described as being in a "calamitous" condition—they would die whether relief aid reached them or not. And the ICRC went to none of the locations that church officials have long described as the worst in the territory. Nevertheless, it took more than two additional months for significant relief programs to get under way: Many thousands must have starved to death in the interim. The ICRC, when questioned on the long delays, has been careful not to criticize the Indonesian government; the ICRC's situation in East Timor is precarious. As one ICRC official explained, significantly, "We cannot force our way in. We've been available since December 1975, but we needed permission to enter."

Rep. Tom Harkin (D-Iowa), who has sharply attacked the State Department position, appeared as the leading witness at the December 4 hearing. Harkin asked that the Carter administration "demand the same accountability from our aid operations in East Timor that we have demanded in the case of Cambodia"; he noted reports of systematic diversion of aid by the Indonesian military and complained that so few outsiders are currently allowed to administer the programs. Ambassador Masters objected specifically to Harkin's call for more outside supervision, on the ground that "there is no reason to send in foreigners to do a monitoring job when Indonesians can do it." Carter administration officials have even tried to suggest that those who call for more outside monitoring are "racist." Aside from the implication that by the same logic, the Carter administration is equally "racist" in Cambodia, this argument ignores what is well known in Indonesia itself: Simply stated, it is the military that runs the show, and it is the military that determines whether aid will be distributed or withheld. At present—and no one is addressing this problem—no aid whatsoever is reaching areas outside of Indonesian control. If the past can serve as a guide, the army will in the long run assist only those who can be induced or forced to accept its military occupation. No one claims that ICRC officials are either any better or more skilled than Indonesians in the same positions, but ICRC officials are not as susceptible to pressure from the Indonesian government, and this is the central issue that the State Department would like to dodge. The military can threaten or even jail local relief workers who challenge its policies, but it cannot coerce the ICRC.

The Carter administration reserves its enthusiasm instead for the New York-based Catholic Relief Services (CRS), which receives nearly 75 percent of its worldwide budget from the U.S. government. CRS is now running the largest operation in East Timor. The *National Catholic Reporter* (NCR) has described how, despite the "competence and integrity of its employees working overseas" (and, it appears, over the protests of many of these same employees), CRS's programs mesh with U.S. foreign policy. In East Timor, the *National Catholic Reporter* says, CRS trucks travel in "guarded military convoys," particularly in "sensitive areas." One source told the paper that the setup makes the CRS aid "part of the apparatus of military occupation. The supplies in military convoys make it look like CRS is an instrument of occupation and pacification." Another source said that "the CRS program should not be described as a church program; CRS is just functioning as a link between the U.S. Agency for International Development and the Indonesian army." Whatever the truth of these statements, CRS operations accord with the Indonesian desire to have as few foreign observers as possible: CRS's program is staffed exclusively by Indonesians and their Timorese collaborators; its American director is present only part time. It is impossible to assess from this distance the effectiveness of this effort, but again, if the past is any indication, the local staff can be doing very little about military corruption or strong-arm tactics.

The real question remains: Why is the ICRC not being permitted to work freely in all parts of East Timor? Why are the "sensitive areas" apparently the exclusive domain of CRS? ICRC's relief and medical operations—and even Masters has acknowledged the overwhelming medical needs—presently cover only 13 of 150 targeted villages, with CRS assigned the remainder. Besides the dis-

Between 1977 and 1978, U.S. military sales to Indonesia rose almost 2000 percent.

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turbing question of whether a single ICRC relief specialist is able to check aid distribution in 13 villages with 75,000 people, no one has adequately explained this odd imbalance. And while CRS programs may go on indefinitely, ICRC operations are slated to end by April 1 unless Jakarta grants a renewal.

Four-fifths of the villagers were starving; 20,000 would die even if aid came through.

Even, however, if the ICRC and other reputable groups gained full access to the territory, the CRS effort worked, and the East Timorese began to recover their health, hundreds of thousands of people would remain in the regroupment areas. One witness at the December 4 hearing, Bruce Cameron of Americans for Democratic Action, cited a report on East Timor prepared in late 1979 by the U.S. embassy in Jakarta, which stated matter-of-factly that "the people are now in these villages and the GOI [Government of Indonesia] plans for them to remain there." A prestigious Australian aid council underlines the desperate need for relief, but points out that "aid to people in these camps without attempting to demand the right of the people there to return to their land simply condemns the East Timorese to continued dependence on outside supplies." Such a project, in the words of the council, is "clearly aid to the Indonesian military strategy." Father do Rego, who lived in the camps himself, worries that if the surviving people do not return to their homes, there will be little hope of restoring East Timor's economy and culture.

THUS THE FULL TRAGEDY emerges. What the Carter administration is trying to obscure is the destruction of a people and their way of life. Representative Harkin spoke for many observers when he stated categorically that the questions of relief assistance and regroupment cannot be discussed apart from the issues of Indonesian aggression and the violation of the right of the East Timorese people to self-determination.

Given Representative Wolff's reluctance at the hearing to "becloud humanitarian concerns" with political problems, one hardly expects him to raise these questions during a January visit with other congressmen. A similar group from the Wolff subcommittee went to East Timor in April 1977, and proved both ineffectual and ridiculous. One member, Representative William Goodling (R-Pa.), returned home noisily parroting Indonesian propaganda and offering the penetrating insight than an enormous capital investment would be required to build suitable facilities in East Timor for American tourists (Goodling was scheduled to return on the January mission). Wolff, who ignored East Timor for at least two years, until the major media began to show an interest, had the audacity to claim at the December 4 hearing that "the initial relief efforts now being carried out by Catholic Relief Service were begun" in response to the recommendations of the April 1977 group. In mid-December, the Australian Broadcasting Commission reported that the Indonesian military was launching a new offensive, quite possibly in preparation for the Wolff visit—and that at the same time the Indonesian government had ordered journalists off a plane bound for East Timor.

But, in the end, public embarrassment may well force the United States—and Jakarta itself—to reverse its position. In a Christmas Eve editorial, for example, the *New York Times* condemned the Carter administration's stance on East Timor, and an earlier editorial in the *Christian Science Monitor* pointed to Indonesia's denial of Timorese self-determination and to the need for outside observers on the island. American TV networks, along with London's BBC, have shown interest in the issue and may soon be pressing to enter the territory.

U.S. officials try to portray themselves as hostages of Indonesian policy: If too much is said about East Timor, they claim, Jakarta may bar or severely restrict future relief missions. Wolff echoes this line. As one Capitol Hill source said privately, "They [the State Department and Lester Wolff] make you feel like a Nazi if you go beyond the issues as they define them." What is left out of the State Department's argument, however, is the degree to which Indonesia is sensitive to international opinion, particularly that of the West. In October 1977, only days after receiving the Nobel Peace Prize, Amnesty International released a major report on political imprisonment in Indonesia. It is no coincidence that scarcely more than two months later, 10,000 political detainees who had been held for more than twelve years without trial were released; another 20,000 political prisoners have been let out of jail since then. Although the problem of political prisoners is by no means solved, the large-scale releases since late 1977 are a giant step forward. Few qualified observers doubt that it was international pressure that compelled Jakarta to free 30,000 prisoners.

The same kind of pressure can be applied on behalf of East Timor, perhaps with even more force given the parallels to Cambodia. It is at least conceivable that Jakarta, ever sensitive to Western opinion, may eventually want to cut its losses and withdraw. Continued U.S. support for the Suharto regime's barbarism in East Timor is merely another version of what Frances FitzGerald once called "giving the Shah everything he wants." We now know where that leads.

Ironically, U.S. support for Suharto's invasion of East Timor can be traced back to Henry Kissinger. The then secretary of state was in Jakarta the day before Indonesian forces launched their merciless assault; before he left Kissinger said he "understood" Indonesia's position. At no time did this renowned practitioner of "shuttle diplomacy" indicate that he was ready to help negotiate peace, although high-level Portuguese sources contend that he had had several opportunities to dissuade the Indonesian generals. As columnist Jack Anderson recently reported (and as diplomatic circles knew at the time), the Suharto regime was worried about adverse international—and especially American—reaction to a full-scale invasion. It is more than possible that had Kissinger been willing to make any effort at all, the catastrophe in East Timor might have been averted. Now that a holocaust has brought this area to the attention of the world, East Timor may properly be placed with Kissinger's other trophies, alongside Cambodia, Bangladesh, Kurdistan, Vietnam, Laos, and Chile. ❑

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THE NUCLEAR QUESTION: The United States and Nuclear Weapons 1946–1976, by Michael Mandelbaum. Cambridge University Press, 277 pp., $14.95.

Not thinking about the unthinkable

BARTON J. BERNSTEIN

EVER SINCE HIROSHIMA and Nagasaki, anxious critics have forecast imminent nuclear doom. Dissenting from this apocalyptic tradition, Michael Mandelbaum, an associate professor of government at Harvard, has written a book to explain how America has come to live with the bomb, why fears of nuclear war are exaggerated, and how the superpowers have established a policy of restraint and caution. For Mandelbaum, diplomacy and strategy have controlled technology in order to keep the peace and avoid war.

"The history of the nuclear age has not been a tragedy," he concludes. "It has been the continuation, with some modifications, of the history of politics among nations. The world has managed to live with the bomb." Ours is "the best of all possible nuclear worlds. . . ." In short, deterrence works. The United States and the Soviet Union, he contends, have generally accepted that nuclear weapons are not militarily usable. Like fencers on a high wire, to use his image, they carefully limit their lunges lest they fall into the abyss. In effect, then, a system—rooted in experience and agreements—has emerged to limit the danger and constrain the rivalry.

Unfortunately, there is a huge gap between this argument, which has some merit, and the author's use of evidence and his formulation of questions. The book is, at best, a sketch, an uneven outline, of the problems. He has done some substantial research on the Kennedy administration (two-thirds of the volume) and glued it loosely to a quick treatment of 1946–60 and 1963–76.

Any full analysis of this international nuclear "system," as Mandelbaum terms it, has to reach well beyond *published* military doctrines, on which he dwells, and a few events—most notably the Cuban missile crisis of 1962 and the test ban treaty of 1963, which he stresses—to look closely at basic problems that he neglects: How did leaders *privately* conceive of nuclear weapons for deterrence, diplomacy, and war? If deterrence should fail or be abandoned, then what? Only through such analysis, which broadens the questions and reaches into unpublished sources, usually ignored by Mandelbaum, can an author seek to establish how American leaders have conceived of the bomb and how close they have come to using it. These questions are at the heart of examining what kind of international nuclear system developed and how it developed.

Among the specific questions that the author frequently neglects or poorly addresses, are these: Were the atomic bombs dropped on Japan to intimidate the Soviets? Did American leaders rely on the bomb after World War II as an implied threat against the Soviets? Was the administration sincere in offering international control of atomic energy in 1946 and during the next few years? What was the role of the bomb in postwar military planning for war and deterrence? How close did Truman and Eisenhower come to using atomic weapons in combat? Did Eisenhower believe that the bomb could actually be used? Why did Kennedy in 1961 endorse a huge buildup of the American long-range missile arsenal when he knew the Soviets were so far behind?

ANY VOLUME ON HOW AMERICA learned to live with the bomb should start not with 1946 (where, for the most part, Mandelbaum begins) but with the decision to drop nuclear weapons on Japan: American leaders believed that the two bombs would help end the Pacific war and also render the Soviets tractable, perhaps even making them relax their power in Eastern Europe. In American calculations, atomic intimidation of the Soviets was an anticipated bonus. The atomic bombing of Japan did frighten the Soviets, and as a result they speeded

How close did Truman and Eisenhower come to using atomic weapons in combat?

work on their own atomic-bomb project and concluded that they had additional reasons to distrust the United States.

Mandelbaum also overlooks a related set of questions: Did the Truman administration use "atomic diplomacy" (implied nuclear threats) in the fall of 1945 to try to roll back Soviet influence from Eastern Europe? The administration did hope to intimidate the Soviets. Secretary of State James Byrnes, a fellow cabinet member lamented, "wished to have the implied threat of the bomb in his pocket" in dealing with the Soviets. One associate privately complained, "Byrnes has felt that we could use the bomb as a pistol to get what we wanted in international diplomacy." America did not make explicit atomic threats that fall, mostly because the administration was not prepared to move from pressure to war and because the American people would not have countenanced such threats.

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In mid-1946, the United States presented its plan for international control of atomic energy (the Baruch Plan)—which the Soviets rejected. For Mandelbaum, the plan was an unintended failure because it tried to remodel the international system, threatened national sovereignty, and abandoned traditional diplomacy—his recommended method for establishing a system of atomic understanding. His critique of the Baruch Plan is too broad, for he wrenches the measure out of context (earlier atomic diplomacy) and minimizes the fact that the plan would have benefited the United States and endangered the Soviet Union. The plan protected the American nuclear monopoly for years, barred the Soviets from conducting atomic research, and threatened Soviet secrecy and hence Soviet security.

After the failure of the Baruch Plan in 1946, the Truman administration trotted out slightly revised versions of the measure at the annual sessions of the United Nations. But no one in the American government expected the Soviets to reverse themselves and accept this program. America was simply engaging in a ritualistic ceremony for propaganda gains, and the ritual was often successful. By 1949–50 America had become so dependent on the atomic bomb that, as George Kennan privately regretted, the nation could not give up this keystone of its military edifice and accept international control.

How close did Truman come to using the atomic bomb in the Korean war? On November 30, 1950, shortly after the massive Chinese onslaught, he told reporters that it was a possible weapon in the war. In January 1952, General Omar Bradley, chairman of the Joint Chiefs of Staff, confided to Prime Minister Winston Churchill, "It is not our intention to use [atomic] bombs, since up to the present time no suitable targets were presented. If the situation changed in any way, so that suitable targets were presented, a new situation would arise." Churchill, whose nation was within easy reach of Soviet retaliation, must have found Bradley's explanation unsettling, to say the least.

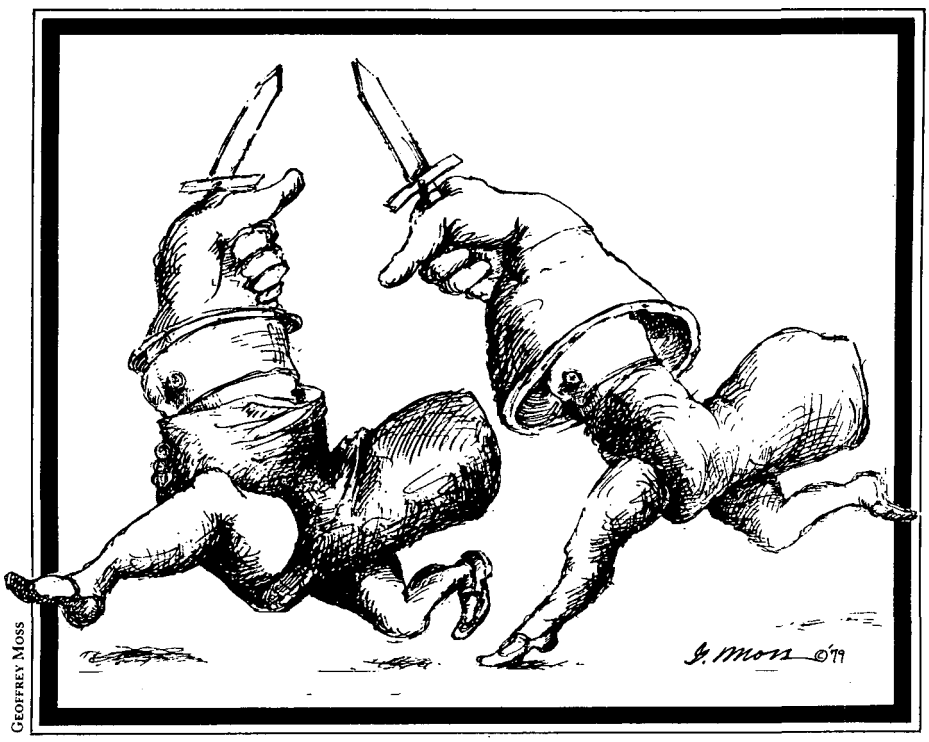
Yet, the Prime Minister knew that the administration was constrained by strong fears: If Truman used the bomb, Russia might also retaliate against America, and European nations would quickly defect from the Western alliance. Unfortunately, American public opinion may have constituted a weaker constraint. In late 1950, a majority favored using the bomb against China; a year later, a majority supported dropping it on "military" targets in Korea.

RELATED QUESTIONS about nuclear threats in the Korean war—also unconsidered by Mandelbaum—still linger. Would Ike have used the bomb, as some associates later contended, to end the war if China and North Korea had not acceded to American terms in mid-1953? Some recently declassified material (not used by Mandelbaum) bears on this question. On February 12, 1953, according to the National Security Council minutes, Eisenhower "expressed the view that we should consider the use of atomic weapons [in Korea's Kaesong area], which provided a good target for this type of weapon . . . the President added, we could not go on the way we were indefinitely." Secretary of State John Foster Dulles seemed to agree, for, according to the minutes, he "discussed the moral problems and inhibitions on the use of the A-bomb, and Soviet success to date in setting atomic weapons apart from all other weapons as being in a special category. It was his opinion that we should try to break down this false distinction."

It was the Eisenhower administration, as Mandelbaum acknowledges, that first clearly expressed the doctrine of nuclear deterrence: nuclear strength to prevent war and aggression. Dulles, elaborating upon this conception in January 1954, announced the doctrine of massive retaliation: Local defenses against Communist expansion would be supplemented by "the further deterrent of [America's] massive retaliatory power." The United States would deter the Soviets because of the "great [American] capacity to retaliate, instantly, by means and at places of our own choosing."

This doctrine of massive retaliation raised many problems and provoked many criticisms. Would the United States actually start a nuclear war to stop aggression in the Third World—in, say, Indochina, Korea, or Lebanon? Critics contended that the doctrine was either incredible (America would not go to war) and thus ineffectual, or it was too dangerous because brushfire wars would speedily escalate into holocausts. In ways unexamined by Mandelbaum, Eisenhower and Dulles started backing away from this doctrine. By his last years in the White House, Eisenhower was suggesting a new doctrine—mutual assured destruction: Each side could destroy the other, so neither could begin a nuclear war.

John F. Kennedy, campaigning in 1960 on the supposed missile and deterrence gaps, criticized Eisenhower's fiscal stinginess, his unwillingness to expand the army to fight limited wars, and his dependence on an allegedly inadequate nuclear deterrent. To widen the military options, to fight non-nuclear limited wars and possibly limited nuclear wars, Kennedy built up the army and created a more powerful nuclear arsenal—one that could also survive a Soviet first



GEOFFREY MOSS

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strike. Within his thousand days, Kennedy expanded the long-range missile arsenal by nearly 2000 percent—from about twenty-five weapons to five hundred. This decision, moving well beyond the more modest Eisenhower program, receives overly friendly treatment from Mandelbaum, who explains that Kennedy could not resist the demands of the Joint Chiefs for a huge arsenal.

The Cuban missile crisis is, for Mandelbaum, "the landmark in the evolution of nuclear diplomacy." It marked the beginning of successful, formal diplomacy to establish the rules of the international system. He is correct in offering this familiar interpretation. What is new and dubious is his claim that the negotiations between Kennedy and Khrushchev, to end the crisis, were "between [near] equals." Such an interpretation misses the fact that Kennedy made relatively minor concessions (a hedged statement not to invade Cuba and a hedged, private promise to withdraw missiles from Turkey) while Khrushchev promised publicly to withdraw the missiles from Cuba. Khrushchev was humiliated, and the Soviets expanded their missilery to prevent such defeats in the future.

Moreover, Mandelbaum seems too sanguine about the stability of the international system during the missile crisis. What would have happened if, for example, Dean Acheson, Truman's former secretary of state who was then advising Kennedy, had been controlling American policy? During the early deliberations with top officials, Acheson proposed an air strike to destroy the Soviet missiles in Cuba. When asked how the Soviets would respond, he said, "I think they will knock out our missiles in Turkey." What should the United States then do, he was asked. "Under our NATO treaty . . . , we would be required to respond by knocking out a missile base inside the Soviet Union." What then? "Well," said Acheson, "that's when we hope cooler heads will prevail and they'll stop and talk." As one Kennedy aide complained, "that was rather chilling [advice]."

FORTUNATELY, KENNEDY did not follow that advice. But we will never know whether, as Attorney General Robert Kennedy later claimed, the President would have soon attacked Cuba and thus killed Soviet soldiers at the missile sites if the Soviets had not promised on Sunday, October 28, to withdraw their missiles. The night before, the attorney general warned the Soviet ambassador that an attack was imminent. Did this American threat—backed by conventional superiority in the Caribbean and international nuclear superiority—compel Khrushchev to yield so speedily?

Perhaps there is a somewhat different explanation, for Castro had unexpectedly interfered and moved the superpowers closer to war. Unlike the Americans, the Soviets knew that the Cubans had seized the surface-to-air missile site (SAM) that had shot down an American U-2 on Saturday morning. That evening, Robert Kennedy warned the Soviet ambassador that another shootdown of a U-2 would provoke an American attack on Cuba. Learning of this threat, Premier Khrushchev, probably fearing Castro's actions, decided to concede and withdraw the "offensive" missiles in order to cool passions and avoid escalation. If Cuba had shot down another American plane, and Kennedy had attacked Cuba and killed many of the 15,000 to 20,000 Soviet soldiers there, how could Khrushchev have acquiesced? In ways that Mandelbaum does not understand, the superpowers came perilously close to war.

Having approached the nuclear abyss, the superpowers recognized the peril and moved toward defining some of the rules of the nuclear system. The test ban treaty of 1963 was the most notable result. It symbolized a new understanding and opened the way for SALT. Though the two powers have continued to escalate the arms race, they have so far avoided perilous confrontations.

In 1977, Jimmy Carter declared, "In the nuclear era, we can no longer think of war as merely a continuation of diplomacy by other means. Nuclear war cannot be measured by the standards of 'victory' or 'defeat.' This stark reality imposes on the United States an awesome and special responsibility." Unfortunately, such chastening counsel still allows for the incredibly expensive arms race and the quest for new technological breakthroughs that may bestow a powerful advantage. These are not problems that greatly distress Mandelbaum, for he does not seem to foresee a technological breakthrough that would destroy the current system of deterrence. His ultimate conclusion seems designed to mute the dialogue on MX, cruise missiles, neutron bombs, or new guidance systems, for he believes that deterrence will continue to work. What could shake the confidence of Mandelbaum and his fellow optimists?

HOW WE LIVED: A Documentary History of Immigrant Jews in America 1880–1930, by Irving Howe and Kenneth Libo. Richard Marek Publishers, 200 Madison Avenue, New York 10016; 360 pp., $22.50.

In a land without a czar

WILLIAM NOVAK

IN ONE OF THE SEVERAL hundred excerpts from newspaper articles and personal memoirs that make up this volume, a former socialist recalls being taken to join a progressive club with the intriguing name of The Adler's Young Men's Independent Association, Number One. Why, he asks, does a group with so long a name feel the need to use the additional phrase "number one" when in fact it is the only organization with that name? This was done, he is told, because the members of the club took it for granted that a breakaway faction of dissidents was inevitable, and they wanted to ensure that everybody knew which was the *real* Adler's Club.

How different things are in the Jewish community today, when American Jewish organizations are so fearful of diversity and so careful to smooth over the various nuances of Jewish opinion in an effort to speak with a united voice. It's good to be reminded that there was a time, not only in Europe but also here in America, when the Jewish community was not only more tolerant of the multiplicity of viewpoints in its ranks, but actually thrived on political and ideological pluralism. This occurred, to be sure, in a very different era—especially the years between 1880 and 1920, when millions of Jewish refugees from Europe and Russia arrived on these shores to build a new life. It was a time when Judaism had not yet been accepted as one of the three civil religions in America, and before some of its contemporary adherents chose to make of it a political ideology.

This book is a sequel to Irving Howe's *World of Our Fathers,* which, when it was

WILLIAM NOVAK, who writes frequently on Jewish affairs, is the author of High Culture: Marijuana in the Lives of Americans, *published by Alfred A. Knopf.*

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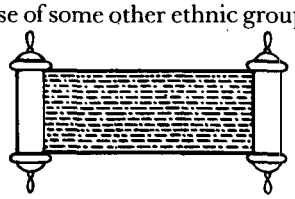
published in 1976, became an unexpected and formidable best seller, a kind of *Roots* for America's Jews. In that book, and again in this one, Howe bends over backwards to present a revisionist view of New York's Lower East Side. Currently, as he and Kenneth Libo maintain in the preface to *How We Lived*, there is "the impulse to prettify the immigrant experience, a wish to make the past seem all quaint and 'colorful' with our own little fiddlers on the roof."

The point is certainly well taken, but one grows uncomfortable as Howe and Libo hammer away at it while declaring their own lofty intentions to present the past in "unvarnished truth," and "free of prejudice and sentimentality." They protest too much, and some readers of *World of Our Fathers* have criticized its author for simply replacing one romantic view of the period with another: that of the New York socialist intellectual. So here, instead of a case study in community, piety, goodness, and charm, we see the darker side of life: the grinding poverty, horrible working conditions, and poor health. Against this backdrop there is a fair amount about reform movements, politics, and especially trade unionism. But, in the authors' defense, it must be said that they make a good case for this version's being closer to the truth than the one we have been accustomed to hearing.

This is not to suggest that the story, as told here, is devoid of charm and personality; quite the contrary. Despite the word "documentary" in the subtitle, *How We Lived* is comprised mostly of personal testimonies, by eyewitnesses and journalists, of daily life on the Lower East Side. The story begins, as it should, with a brief glimpse of the Eastern European heritage that gave birth to all this, a culture in which, as one man recalls, "even if there was no running water in any house, people never ate without previously washing their hands." But for the Jews, life in Poland, Russia, Lithuania, Rumania, Hungary, and Austria was becoming too impoverished, and, more important, too dangerous. There were random acts of violence, there were pogroms, and there was military conscription that meant young boys were kidnapped and often never seen again. But above all, the Jews made the perilous journey to the New World because, as one immigrant wrote to his family in the Old Country, "there is no czar in America."

In a fine chapter called "The Shock of America" we get a vivid picture of how the new immigrant must have felt on his first day in the New World, where people he recognized from home spoke a new language in loud, confident tones; where previously religious men were walking about without hats and working on the Sabbath; where everybody was involved in business—or so it seemed. We read testimonies of small but moving experiences: the first ice cream, the immigrant sleeping in a jail for want of better accommodations, the life of the boarder who lived in the spare room, a fifth wheel in a family with more than enough problems already.

*ALTHOUGH THE PREDOMI*nant image of the book is one of industrial exploitation and the social problems that follow in its wake, it turns out that the new immigrants spent an astonishing amount of energy on cultural and educational concerns. Unlike the case of some other ethnic groups, the



writers and intellectuals in the Jewish community did not stay behind in Europe, and they were the spirit behind the literary societies, the discussion groups, the debates and lectures, and, above all, the Yiddish theater.

The Jews of the Lower East Side did not attend the theater to see dramatic realism, for there was already more than enough of that in their lives. They wanted escape, and escape is what they got. Here is a description of the Yiddish theater from a man who had just attended his first play in English. "The play is passable," he writes in 1915, "but the theater! It is not like our Jewish theater. First of all I found it so quiet there . . . that I could not hear a sound! There were no cries of 'Sha!' 'Shut up!' or 'Order!' and no babies cried—as if it were no theater at all!" After complaining that he could find no apples, candy, or soda ("just like in a desert"), the visitor does concede that "there are some Gentile girls who go around among the audience handing out glasses of water, but this I can get at home, too."

For most Jews today, the Yiddish theater is no more than a dim, if relatively recent, historical memory. But other institutions created on the Lower East Side are still going strong. Summers in the ghetto must have been particularly uncomfortable, and before long, anybody who could afford it would spend a week or two in the mountains. The grandiose resort hotels that now cover the Catskills began as simple farmhouses taking in boarders who wanted some good food, and, most important, fresh air. And the complaints about the region that are so common today are hardly new. A newspaper report from 1904 lamented that there were twelve girls for every boy, and that instead of enjoying the fresh air, "the women sit on the porch like a fashion show, each one showing off her clothes and jewelry."

But these were diversions from the business of life—which was first of all, making a living, and then, somehow, learning to adapt to the radically new society. For this reason, the real hero of this story—at least Howe and Libo's version of the story—is not a person, but, rather, the *Forward*, the famous Yiddish newspaper begun in 1897 and still publishing today.

The *Forward* was keenly interested in human problems and human drama, and has always published a wide variety of material including, to this day, the new stories of Isaac Bashevis Singer. Always responsive to the needs of its readers, it instituted in 1906 a new department called the *Bintel Brief*—the bundle of letters. Under the editorship of Abraham Cahan (whose own memoirs are liberally used in this volume), the *Forward* began publishing a new kind of letter to the editor in which the writers talked not about the news of the world but of the news, and the problems, of their own lives. Often they sought advice, especially on family matters and the tricky process of maintaining Jewish traditions in an alien environment. Marital and romantic problems were especially common; the immigrants, accustomed to a tradition of arranged marriages, felt helpless in these matters. "I am a young man of twenty-five," one letter reads, "and I have recently met a fine girl. She has this flaw, however—a dimple in her chin. It is said that people who have this lose their first husband or wife. I love her very much. But I'm afraid to marry her lest I die because of the dimple." Ann Landers herself could not have improved on the editor's reply: "The tragedy is not that the girl has a dimple on her chin but that some people have a screw loose in their heads."

It was the *Forward*, too, that documented the exploitation of workers, and was running investigative articles long before they became popular elsewhere. And it was the *Forward* and Abe Cahan who were at the center of every controversy, and who lent a wealth of support to the new arrival, urging him to

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learn English, urging her to meet her children's teachers in the public school, and, in general, aiding the process of acculturation without in any way endorsing assimilation, and without selling out. The *Forward,* in other words, could be trusted.

There is much more in this book—on politics, on the struggle between the religious and the secular Jews, on the lives of children, on women. But there is also something lacking, which is harder to express. Perhaps it is that *How We Lived* looks and reads like a textbook, with several hundred brief entries that don't always add up to a comprehensive picture, even when illuminated by the intelligence of the authors. But more likely it has to do with its predecessor, *World of Our Fathers,* which took these documents—and many others, and wove them into a complete, thoughtful narrative. This book sends us back to that one. And the reader of *How We Lived* might well ask himself: What is the point in my wading through these assorted documents and trying to make sense of them when no less a talent than Irving Howe has already done it for me? ❑

A PILGRIMAGE OF PASSION: The Life of Wilfrid Scawen Blunt, by Elizabeth Longford. Alfred A. Knopf, 480 pp., $15.95.

Aristocrat against empire

PETER STANSKY

FAMOUS IN HIS OWN time—the late nineteenth and early twentieth centuries—as poet, anti-imperialist and political gadfly, Sussex squire, horse breeder, and amorist, Wilfrid Scawen Blunt is scarcely known any longer except to specialists. Consider, for example, the downward slide in his reputation as a poet, the guise in which he was perhaps most familiar. In the 1900 edition of *The Oxford Book of English Verse,* Quiller-Couch included eight of Blunt's poems; in the 1939 "new" edition, he cut him down to four; and in the current edition (1972), Dame Helen Gardner, succeeding Quiller-Couch, has omitted Blunt altogether—so much for the "posthumous fame" he had hoped for and expected. But to be no more than minor or marginal—measured against, say, a Wellington or a Victoria or a Byron—hardly disqualifies someone as interesting and provocative as Blunt for a biography, and we are in Elizabeth Longford's debt that she should have turned from the "great" figures we customarily associate with her, and undertaken to rescue him from comparative obscurity.

Through the good offices of Sir Sydney Cockerell, Blunt's sometime secretary and subsequently director of the Fitzwilliam Museum, Blunt's "secret" diary had been kept under seal in Cambridge, not to be opened until 1972, fifty years after his death. A ban of this sort, a "secret" archive, the hint of the scandalous, is bound to start up rumors and hot up expectations: One is prepared for the worst. When the day of revelations arrived, so to speak, the Syndicate of the Fitzwilliam Museum and its director, Michael Jaffe, commissioned the present biography and made available to Lady Longford the two tin boxes of secret papers. But now that the biographer is free to tell all, it turns out that "all" is in the nature of an anticlimax. Two substantial volumes of Blunt's diaries were published toward the end of his life, suitably expurgated. He himself had decided that his "secret memoirs" were, in Lady Longford's phrase, "too hot for publication"; hence, the ban. "Indiscreet," though, would more precisely sum up the case, or else, "embarrassing," in the sense of naming names.

Blunt in his time went in for a lot of bedding with a lot of women. He had a taste for the well-born, favoring virgins of sixteen or matrons of thirty-two, the latter generally bored with their marriages or somewhat estranged from their husbands. But he appears to have described his conquests in a temperate manner and with a curious absence of specific detail. As quoted or paraphrased by Lady Longford these secret diaries are not likely to find a high place in late Victorian erotica.

Nor are they especially interesting for what they tell of Blunt's career as an amorist: It becomes rather difficult to distinguish among his sexual partners—in a pilgrimage of passion, one copula-

PETER STANSKY has recently published a short biography of Gladstone. His Orwell: The Transformation, *written with William Abrahams, will appear this spring.*

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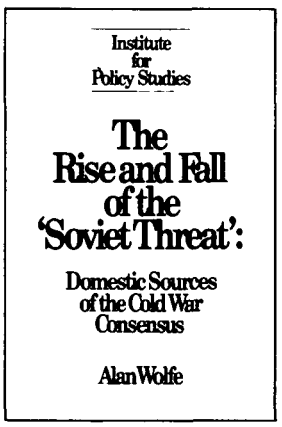
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tion (if indeed they all took place) proves to be disconcertingly like another, and he doesn't seem to have been good at (or interested in) sketching the personalities of the ladies he laid. (In the present volume there are helpful genealogies of the families of Blunt and his wife—she was Byron's granddaughter—but it might have been equally helpful if there had been a list of the more important of his many "loves" as well as a roll of those children who did not bear his name—he had only one legitimate daughter—but whom he acknowledged, or claimed to have fathered.)

*IN FACT, MUCH MORE IN-*triguing than his love life is Blunt's political story, and Lady Longford writes about it with much more authority and interest. As her previous books have amply demonstrated, she knows Victorian politics well, and she is at her best in discussing Blunt's efforts to dramatize the cause of Irish and Egyptian liberation. His determination to speak against English rule landed him in jail in Ireland. His statement about this incarceration might have been exaggerated, but it had some validity and even nobility: It was "the first recorded instance, in all the four hundred years of English oppression, of an Englishman having taken the Celtic Irish side of any conflict, or suffered even the shortest imprisonment for Ireland's sake." Blunt was not, as Lady Longford states, the first of the great anti-imperialists—that line, after all, goes back at least as far as Richard Cobden—but he was unusual in being from within the ruling classes. His style was the same as theirs; he was imperious and "born to rule." Undoubtedly he agreed with his cousin George Wyndham, a great friend, a member of the Crabbet Club and Irish Secretary, about many of the prerogatives of the English gentleman. But he felt that the right to rule the rest of the world was not among them.

He was also a great breeder of horses. As he remarked in 1880, "if I can introduce a pure Arabian breed of horses into England and help to see Arabia free of Turks, I shall not have quite lived in vain." He succeeded in both these ambitions. Despite his endless quarrels and misunderstandings with the two Lady Wentworths, his wife and his daughter, the Crabbet stud, which he and his wife established, celebrated its centenary in 1978, and is probably the greatest Arabian stud in the world. Arabia is not only free of the Turks but also, as Blunt profoundly desired, of the English. He was fascinated with the Middle East, but he did not wish to have his country own it.

Wilfrid Blunt was a poet, some of whose poems deserve to be remembered; full of himself, yet frequently appealing and at times pathetic. He was a protester who brought attention to his causes; his stands were brave but perhaps discounted because of his eccentricity and his social position. Lady Longford's considerable skills at depicting the political world are well used but do not quite compensate for her comparative lack of attention to the nuances of personality and her rather inappropriate (in this instance) straightforward narrative style. She is at her strongest in discussing the politics of Blunt's career. This particular peculiar pilgrim emerges as an intriguing minor figure who dramatically and to some effect contradicted the pieties and received opinions of his time and class.

ENGLISH IN IRELAND

DONALD DAVIE

(1), 1969, *Ireland of the Bombers*

Blackbird of Derrycairn,
Sing no more for me.
Wet fields of Dromahair
No more I'll see

Nor, Manorhamilton,
Break through a hazelwood
In tufted Leitrim ever.
That's gone for good.

Dublin, young manhood's ground,
Never more I'll roam;
Stiffly I call my strayed
Affections home.

Blackbird of Derrycairn,
Irish song, farewell.
Bombed innocents could not
Sing half so well.

Green Leinster, do not weep
For me, since we must part;
Dry eyes I pledge to thee,
And empty heart.

(2), 1977, *Near Mullingar*

"Green Leinster, never weep
  For me, since we must part.
Dry eyes I pledge to thee,
  And empty heart."

Travelling by train
  —For I am a travelling man—
Across fields that I laid
  Under this private ban,

I thought: a travelling man
  Will come and go, here now
And gone tomorrow, and
  He cannot keep a vow.

Forsworn, coming to Sligo
  To mend my battered past,
I thought: It must be true;
  The solder cannot last.

But, dear friends, I could weep.
  Is it the bombs have made
Old lesions knit, old chills
  Warm, and old ghosts be laid?

Atrociously, such changes!
  The winning gentleness
Gentler still, and even
  The poets not so reckless.

Twenty-five years at least
  Higher up the slope
That England plunges down:
  That much grounds for hope.

Easy pronouncements from
  The stranger, as he leaves!
The truth is, he was home
  —Or so he half-believes.

DONALD DAVIE is Andrew W. Mellon Professor of humanities at Vanderbilt University. His Collected Poems, 1950–1970 *has been published by Oxford University Press.*

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DANCE

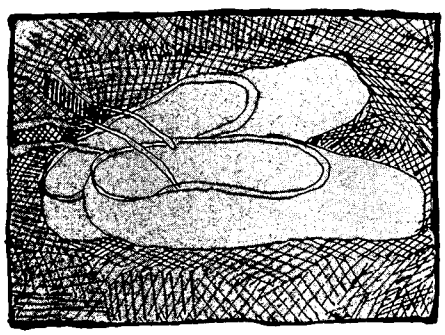
One-year affair

THOMAS RUSSELL III

THE BARYSHNIKOV ERA at the New York City Ballet has apparently ended. One wag suggested that it would be a fit subject for the Center for the Observation of Short-Lived Phenomena. At any rate, it was over almost as soon as it had begun, and Baryshnikov has now left the City; next fall he will become director of the American Ballet Theatre, the company with which he has danced most often since coming to America. His departure from the City came at a time of the emerging to prominence of a number of talented and long-incubating younger dancers, leaving the company in fact even stronger than before he arrived.

What did this unlikely merger prove? What did it tell us about the nature of either party that we didn't know before? Consider the situation: A man who could make from $3,000 to $10,000 a night takes a year out of his painfully brief career as a dancer to go to work for $750 a week. A dancer who could easily have coasted on his reputation for virtuosity enters an alien and difficult repertory; goes, in effect, back to school. The greatest male dancer of our age, perhaps of any age, a star of the highest magnitude, goes to work for a company whose claim to fame is that it has no stars. For the New York City Ballet, child of director Lincoln Kirstein and its chief choreographer, George Balanchine, is a company that revolves not around dancers but around repertory—the works of its major choreographer, "Mr. B." No other company is so devoted to the works of one man, and although it has produced many stars, it is a company that officially eschews them. (There is an old story told of a lunch at the Russian Tea Room many years ago, between Balanchine and the then-reigning superstar, Rudolf Nureyev. Nureyev, so the story goes, was discussing the possibility of working at the City Ballet. Balanchine is supposed to have told him to "Come back when you have finished playing the Prince.")

So, we knew that the pairing of the NYCB and Baryshnikov would be an odd match long before he set foot on their stage. For two months after the impending association was announced, the playbill at the New York State Theatre, the City's home, continued to feature an interview with Balanchine in which the choreographer pointed out, among other things, how out of place a dancer like, oh, let's say, Mikhail Baryshnikov would be with the City. Everyone would just be waiting for him to go into those leaps and turns, Balanchine said. It'd never work.



At the news conference announcing the match, Balanchine let it be known that he was not after a star, he was just glad to have another male dancer in the company. After all, he said, my dancers are always getting sick. The greatest dance star in the world today as a designated hitter for the NYCB—even from the icy wit of a Balanchine, that was a bit much. And when Baryshnikov was finally allowed to dance with the company, at their summer home in Saratoga, it was at a children's matinee, and the performance was preceded by twenty minutes of Ronald McDonald, the clown from the TV ads.

On the whole, in fact, Baryshnikov comes off smelling a lot better than the company—and especially better than the company's fans. To judge from the gossip at intermission, and the muttered sotto-voce booing some nights, you'd have thought John Wayne had chosen to play Hamlet. That reaction betrays a profoundly nearsighted view. First, Baryshnikov had nothing obvious to gain, and everything to lose, by electing to expose his persona in a new and notoriously difficult repertory. He had to know he was jumping into the lion's den. The difficulties were enormous, the rewards at times meager. He was cast, for instance, largely in *demi-caractère* roles, rather than the romantic leads his public (and he) might have expected—in the "Rubies" section of the three-act *Jewels,* with its off-center Stravinskian syncopations, rather than in the Tchaikovskian, classically elegant "Diamonds"; in the Noguchi-costumed *Orpheus,* in the folk-dance–inspired *Dances at a Gathering* rather than the high classicism of *Divertimento No. 15* or *Chaconne.* (The report was that Baryshnikov was not the type Balanchine favored for his *danseur noble* roles—not tall enough, for one thing, and well, not as blond as Sean Lavery or Peter Martins.) It's not that he seemed miscast, but that only a limited part of his talent was being tapped.

The roles did not always come easily to him. His back lacks the rubbery flexibility for *The Four Temperaments,* and the speed, especially in footwork, was difficult at first, even for a dancer of his acknowledged virtuosity. On the other hand, audiences sometimes forget that it almost always takes several years for a fully formed dancer to adapt himself completely to the Balanchine style. Certainly Peter Martins, now the quintessential Balanchine dancer, needed a lot of time to get there.

BUT BARYSHNIKOV'S REAL problems lay less in the area of technique than in accommodating himself to the style of the NYCB. Although Balanchine had spoken of sharing a similar tradition and training with Baryshnikov, one couldn't help feeling that each had followed and been nurtured by different impulses in that rich background. For Balanchine it was the push toward refinement and purity—a sense of dance as a forging, a melding and shaping of the body into a gleaming sword that could carve meaning out of the air with crystal clarity. Baryshnikov, on the other hand, has pursued the dramatic edge of classical technique, that push to go beyond perfection in technique toward the inner core of feeling. If Balanchine's impulse is formal, Baryshnikov's is unfailingly expressive. Strangely, perhaps, both paths can end up in the same place. The City is not, *pace* its detractors, a company of inexpressive pinheads, although its ap-

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proach is different from Baryshnikov's. Edwin Denby once said of City Ballet dancers that "the more correct their style, the more their individual personality becomes distinct and attractive on stage." A Romantic would say that Baryshnikov works a role from the inside out; a Classicist would insist that in ballet, correctness, purity of line, *are* the inside.

At any rate, Baryshnikov brought a quality of lyricism, drama, and involvement to his roles that seemed particularly tonic for the company. And Balanchine, at least, appears to have sensed the value of this approach. Although he did not create any new ballets for his newest Principal, Balanchine did revive many that had been out of the repertory for some time—ballets like *Orpheus, Tarantella, Harlequinade, The Steadfast Tin Soldier, The Prodigal Son,* and the seminal *Apollo*. All involve more or less "character" parts, yet demand the kind of virtuoso dancing Baryshnikov supplies as well. (Many had been created on Edward Villella, and we could see in Baryshnikov some of Villella's manly grace and feline strength.) One wonders how many will stay in the repertory now that Baryshnikov has left the company.

His departure coincided with the elevation to Principal status of several splendid young dancers, including Kyra Nichols, her husband Daniel Duell, Bart Cook, and Heather Watts. Talent was blooming. This fall there was even a new-found lyricism in the work of Merrill Ashley, who had been made a Principal the previous year. I've expressed reservations about Ashley before, especially about any dancing at less than top speed. But Ashley is aware of her problems—a blocky torso, a tendency toward a rigid smile, and especially an inability to find and shape the rhythm in any slow phrase, which leads to a rather attenuated expressiveness in *adagio*. Most dancers, though, do some things better than others, and Ashley can only improve. My favorite teen-aged dancer once showed me some steps, watched my performance, then said "Okay, now add grace." Ashley seems to be following that laconic bit of advice. I hope so, anyway.

The company, in short, survived Baryshnikov, and shows every sign of easily weathering his departure. How many of those ticket buyers who defected to the NYCB to follow their star will remain there is uncertain, but the company itself was certainly in tip-top form as it hunkered down for a winter of *Nutcrackers*. I can hardly wait for spring.

F I L M

***ALL THAT JAZZ*, directed by Bob Fosse.**

***1941*, directed by Steven Spielberg.**

Crack in the mirror

STEPHEN HARVEY

THE PROBLEM WITH most landmark films is not, after all, that each is *sui generis,* but that forever after lesser mortals are vainly tempted to emulate the model. This was hard enough to take in the days when most directors of note gazed outward beyond their personal sphere—then the worst you had to look forward to were pallid imitations of the *style* of Welles or Hitchcock or Lubitsch. However, once a few key directors decided that their own public lives and private psyches were subjects of infinite fascination, the trouble really began.

The ideal of film-as-impressionistic-autobiography has bewitched practitioners of the non-narrative avant garde for ages, but it emerged above ground once and for all with Fellini's *8½*. The notion that life, art, and the subconscious merged to form one indivisible skein of truth was not quite newly minted currency even in 1963—yet Fellini's unabashed absorption in his own reprobate, *cinéaste* self seemed candid and novel at the time, and his droll, vivacious flow of images raised narcissism into something that could be defended as art.

Unfortunately, for the pleasure *8½* once afforded us we've been forced to pay ever since, in the form of rapt movie sonnets of self-infatuation concocted by a phalanx of Fellini's inferiors. One of the more conspicuous examples of this infectious strain has been Ken Russell's series devoted to the lives of Great Artists. Although respectively yclept Tchaikovsky, Mahler, Gaudier-Brzeska or Liszt, our protagonist is just another incarnation of that central genius, Russell himself, an inspired soul martyred by the petty earthlings cluttering up his existence.

A churlish minority of moviegoers might want to place Woody Allen's recent output in the same category; yet the fact is that Allen focuses more intently on Woody the mixed-up mensch than on Allen the besieged creator, and besides, his celluloid self-portraits are no less withering—or mirthful—than the cameos he draws of the other characters who populate his on- and off-screen life. Still, the legacy of vanity-mirror movies persists with *All That Jazz,* the perfect film to cap off the Me Decade with a spangled flourish. *All That Jazz* is a movie à clef so transparent and self-aggrandizing that it makes Ken Russell's oeuvre seem absolutely minimalist by comparison.

A few years ago, Bob Fosse was felled by a near-fatal coronary while he was simultaneously editing his film version of *Lenny* and mounting the stage musical *Chicago,* the latest to date in a string of Broadway projects he'd directed featuring his ex-wife Gwen Verdon. Evidently

not one to take poetic license, Fosse has centered his new film around a nonpareil director-choreographer named Joe Gideon, impersonated by Roy Scheider complete with Fosse's familiar Mephistophelean goatee and sleek black togs.

Gideon is immersed in postproduction on a film called "The Stand-Up" (the title role of which is played by Cliff Gorman, the original stage Lenny Bruce); he is also tuning up a Broadway extravaganza called "N.Y.–L.A." for his

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slightly aging former spouse (Leland Palmer, who already did a pseudo-Verdon turn in Fosse's *Pippin*). At this point his heart gives out, to the attendant dismay of Palmer, their wistfully affectionate teen-aged daughter (Erzsebet Foldi), and his stoic steady, a superlative hoofer whose gifts are matched only by her forbearance in the face of his extracurricular high jinks (Ann Reinking, in a role modeled on none other than Ann Reinking).

NOW THIS SEQUENCE OF events was obviously critical in Fosse's own life, and although one may question the compulsion to expose his travails in so public a fashion, there's nothing intrinsically objectionable in this impulse. Nor, on the other hand, is this episode necessarily interesting to anyone not immediately involved, either. For the survivor of such a personal cataclysm this may be hard to fathom; rather, as Neil Simon did in his own confessional *Chapter Two*, Fosse indulgently bathes his not-so-alter ego in a protracted lather of self-preoccupation, the likes of which such a pro would never allow in his purely fictional creations. Periodically during *All That Jazz* our hero chides himself ruefully for having such a massive ego and indulging his need to gratify himself whatever the cost to those who love him, but given the premise of *All That Jazz* you can hardly blame him for his lapses. As this movie would have it, he is a blazing star encircled by dim satellites.

As for the principal females in his life, although their unshakable if chagrined devotion is indeed touching, they would after all have scarcely existed had he not merged their talent with his greatness. It's not Gideon's fault that he's irresistible to women—one kiss and a murmur of encouragement from him can transform a klutzy chorus girl into Terpsichore and persuade an expiring septuagenarian to face her destiny in peace. So much magnetism is a great burden to the one on whom it has been bestowed—Scheider's pensive, clouded visage tells us that.

Even more onerous is his fate as a professional of having a bunch of maladjusted hacks trailing in his wake. As a stager of musical theater he is without peer—which might come as something of a surprise to the likes of Harold Prince and Michael Bennett—his closest competitor being a petulant, flaccid poseur (John Lithgow) whose latest show is, of course, a fiasco. The composer responsible for "N.Y.-L.A." is an effeminate grotesque (Anthony Holland) who writes brassy dross that requires the Gideon touch to be transformed into platinum crowd-pleasers. The starchy hypocrites who've packaged the show wince at the artful sensuality of his choreographic pièce de résistance, "Airotica," while ogling the derrières of the chorus boys. The producer of "The Stand-Up" (Max Wright) writhes in misery at Gideon's obliviousness to the budget, only to dissolve with gratitude when the movie turns out to be a masterpiece.

Anyone who dares look cross-eyed at the king is patently obtuse or riddled with malice; the one critic we see who happens not to succumb to "The Stand-Up" is characterized as a bouffant-brain and bears an obvious resemblance to Rona Barrett. This autobiographical fairy tale even has a satisfying denouement denied by mortality to the rest of us—the knowledge of how truly sad everyone will be when Gideon-Fosse departs to accept his accolades from the Greatest Director of Them All.

ALL OF WHICH WOULD seem gaseous enough had *All That Jazz* unreeled in a straightforward, storytelling manner, but the artsy flimflammery Fosse has applied to it is what really makes this film such a trial. You just know this movie is supposed to be profound, what with those jumbled-up time sequences and all that symbolism and everything. The great unintended irony of *All That Jazz* is that a movie so ostentatiously "personal" should have to filch so many dated hothouse clichés from so many other, and often better, films. Fosse punctuates this saga with snippets of an interview between Gideon and a gauzy apparition named Jessica Lange (another Fosse protégée-inamorata), apparently set in that Great Dressing Room in the Sky—premise by Bergman, *mise en scène* courtesy Fellini. He's also big on juxtaposing contrasting images for devastatingly caustic dollops of meaning; while the backers of "N.Y.–L.A." hold a postmortem over their stalled enterprise Fosse intercuts shots of scalpels literally slicing at his heart, and so forth. Earlier Fosse's aggressively convulsive editing style plus a few flash-forwards showing Gideon in intensive care cheaply prime the audience to flinch in anticipation of disaster whenever the hero lurches on screen, ever-present cigarette dangling ominously from his lower lip.

Things really get overwrought, however, after the ticker starts to go. Now we get to see Gideon I directing a razzle-dazzle movie about his own demise, starring Gideon II in black sequins, while Gideon III lies helplessly watching from his hospital bed. We'd already watched this character struggling over his film, intent on honing it down and paring away all excess so that its impact would shine through. Would that Fosse had followed his own advice; before the *Walpurgisnacht*-in-Vegas finale, he serves up three allegorical production numbers, in white-feathers-and-satin, camp-

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Ziegfeld style, which spotlight his three nearest-and-dearest ladies belting out the likes of "After You've Gone" and "There'll Be Some Changes Made." Repetitious both choreographically and as sardonic lampoon, these routines sum up the self-indulgence with which Fosse belabors every intended nuance in the movie. His taste for flossy clutter at best distracts you only momentarily from noticing what a facile and dispirited little message is at the core of *All That Jazz*—namely, that show biz is a tawdry shuck that still somehow manages to crystallize the essential truths we can't face in our "real" lives.

It's all the more unfortunate because when Fosse isn't quite so determined to blitz us with meaning, the movie has some genuinely spirited moments—Gideon shaping the centerpiece of "N.Y.–L.A." from casting call to showstopper in the surefire Fosse slink-and-bump manner, and a highkicking-strut duet by Reinking and Foldi to lift Daddy's burdened spirits. For moments like these we treasure musical comedy and, by extension, its presiding experts like Fosse. In the best movie musical ever to deal with backstage pain and creation, *The Band Wagon*, triple-threat star-director-impresario Jack Buchanan learns his lesson after trying to mount a heavy-breathing surrealistic musical comedy inspired by *Faust*. That endeavor closes unmourned in New Haven and a pretense-puncturing divertissement rises triumphantly from its ashes. Fosse should have had some skeptical Fred Astaire type around to remind him that there's nothing so trivial as a lightweight straining furiously to be something more exalted than it naturally is or can be. It's too bad there are no out-of-town tryouts for movies.

WHEN ORSON WELLES first arrived in Hollywood to make *Citizen Kane*, he reportedly called the RKO lot the biggest electric-train set a boy ever got to play with; forty years later, another youthful prodigy type named Steven Spielberg plainly views his craft with the same sense of delighted wonderment. Few directors since Welles have exploited the movies' powers of artifice and legerdemain with as much exuberance as Spielberg—every one of his movies thus far has reveled in that confident, kinetic monumentality that sums up one kind of American moviemaking. For Spielberg to lavish these gifts on a project like *1941* seems positively criminal, all the more so since his involvement was, by all evidence, altogether voluntary. It would be tempting to characterize *1941* as a thirty-million-dollar Ritz Brothers movie if this weren't so patently unfair to the Ritzes, who even at their nadir were infinitely funnier than anything this bloated enterprise has to offer.

What appears to have sabotaged this package from the outset was Spielberg's unfathomable faith in the gift of his still more youthful protégés, the writing team of Robert Zemeckis and Bob Gale. Not long ago Spielberg served as executive producer for their premier effort, *I Want to Hold Your Hand*, a dud about Beatlemania overrunning New York on one day during the mid-sixties; *1941*, as a tale of Nipponophobia swamping L.A. over twenty-four hours in the early forties, is essentially the same movie on a megaton scale, with a far more proficient pilot at the helm. Assisted by John Milius, another beneficiary of Hollywood's latest old-school-tie syndrome, Zemeckis and Gale have come up with a comic script that is eighth grade macho stuff at its most mean-spirited. It's all derived from the school of thought that considers a slam to the jaw intrinsically chucklesome, a knee to the groin more devasting yet, and mass vandalism a positive riot. Not to mention these ink-stained cut-ups' attitude toward the opposite sex, seen as an alien animal species whose center of gravity is located in the general vicinity of the genitalia.

Even dolts like these ought to have figured out that the one element indispensable to comedy is a flair for the unexpected. Yet after the first half-hour, each new gag lands with an even bigger, more predictable thud, once we've been saturated with slapstick routines laboriously constructed with hyper–Rube Goldberg complexity. Although Spielberg slams everything together with dizzying speed, *1941* feels endless because its rhythms are so monotonously antic; he seems afraid to let up for an instant, in case we might notice that the movie's really going nowhere at all. What we're left with is a profuse montage of exhilarating images—bombers buzzing, a twinkling facsimile of Hollywood Boulevard, a ferris wheel careening off a Santa Monica pier into the murky Pacific. The pity is that such a tour de force of technique should be lavished on such a waste of our time, of Spielberg's trouble, and of the combined financial largesse of Columbia and Universal. ❏

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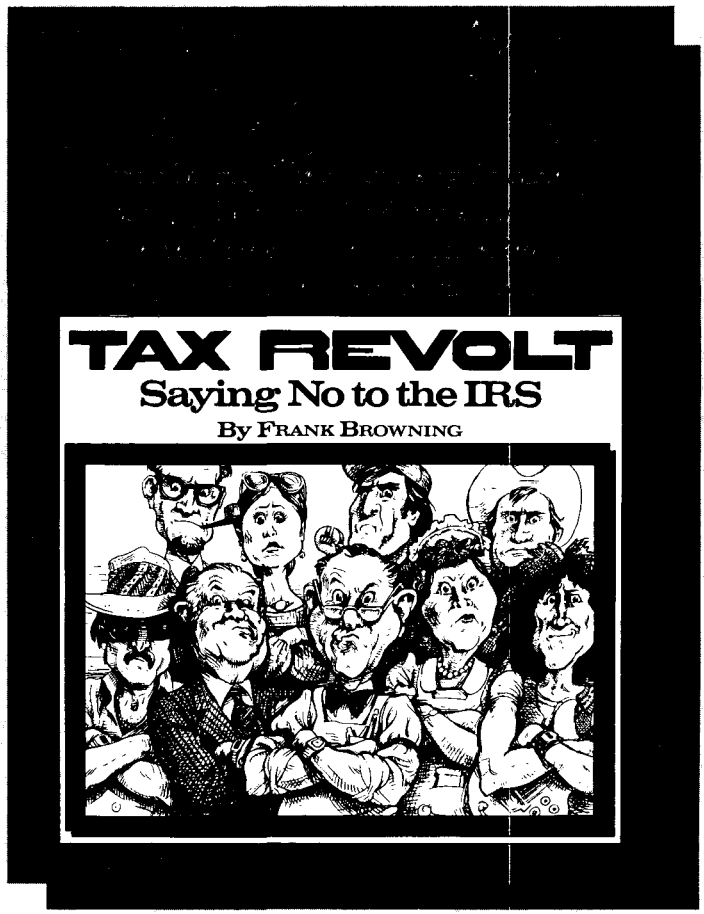

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